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03 JANUARY 1985

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 3, 1985 at 1600 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder Sanchez

1. Hearing Rules of the Office of Citizen Complaints.
2. Re-Organizational Proposal

Commissioner David Sanchez presiding.

DOCUMENTS DEPT.

SEP 11 1985

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03 JANUARY 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 3, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

APPROVAL OF MINUTES OF THE MEETINGS OF NOVEMBER 8, 1984, NOVEMBER 15, 1984 AND NOVEMBER 29, 1984

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 7-85

FERGUSON vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna Ferguson in the sum of \$4,000.00, in Municipal Court No. 072-228 (Contra Costa County) entitled "Ferguson vs. City & County of San Francisco", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 21, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 8-85

ALDEA, A.I.U. INSURANCE COMPANY vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rose Aldea in the sum of \$2,499.00 in Superior Court No. 861-962 entitled "Aldea, A.I.U. Insurance Company vs. City & County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 17, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

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RESOLUTION NO. 9-85

RICHARD K. TUCKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Tucker, (Claim 84-627) in the sum of \$1,404.92 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 29, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 10-85

DEE M. BIELENBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dee M. Bielenberg in the sum of \$1,964.08 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 3, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 11-85

JOYCE OSWALD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Oswald in the sum of \$809.99 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 30, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 12-85

WILLIAM ANGEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Angel in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 13-85

LORI WILHELM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lori Wilhelm in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 14-85

VALERIE W. WHITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie White in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 15-85

CORRIN WASHINGTON-MAINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Corrin Washington-Maine in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1984.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 16-85

BERNARD WARREN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bernard Warren in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 17-85

LINDA STOUCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Stouch in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

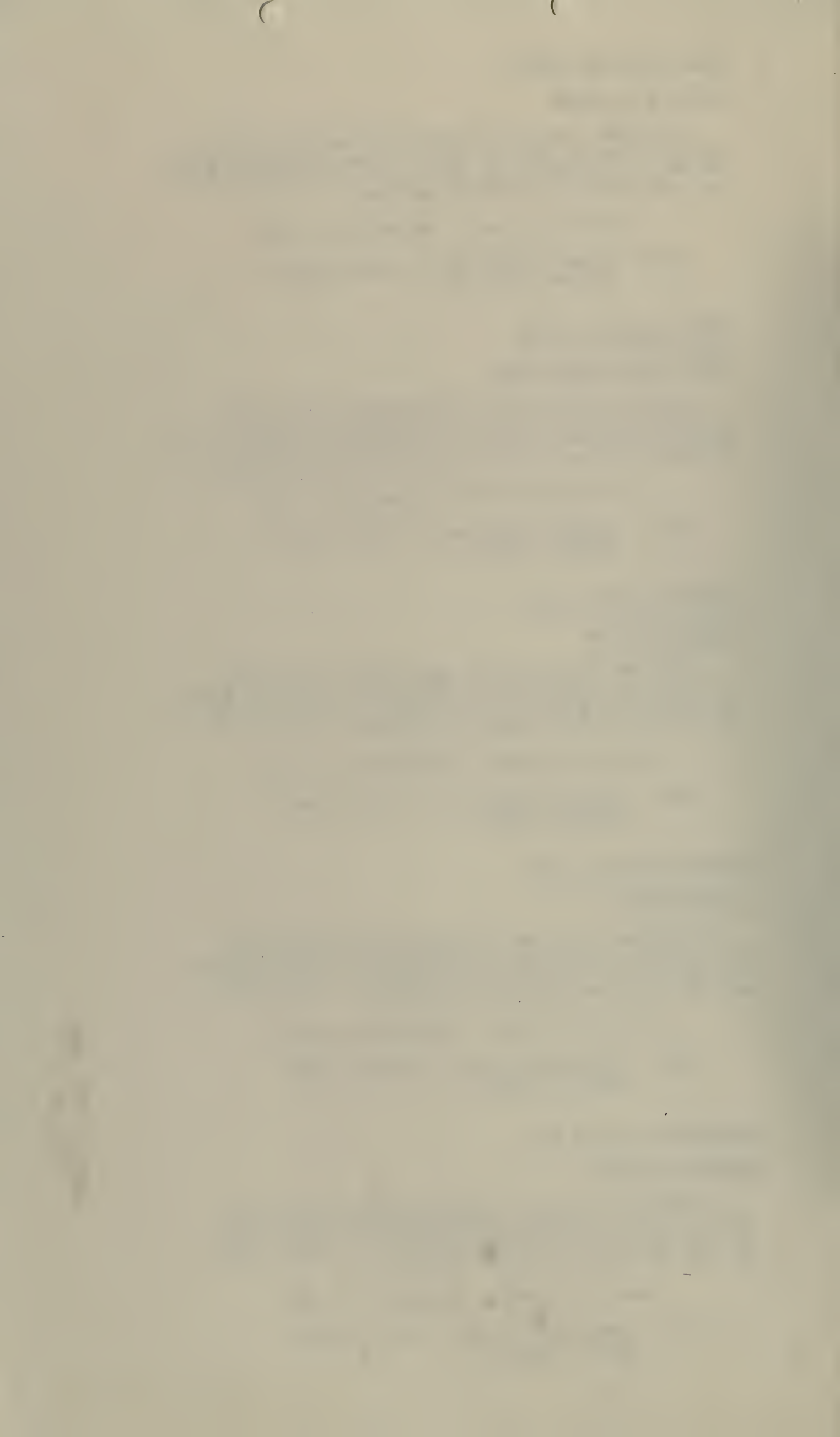
RESOLUTION NO. 18-85

REGINA A. SAISI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Regina Saisi in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 19-85ANNE E. ROHRS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne Rohrs in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 20-85JOHNNY E. ROGERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johnny Rogers in the sum of \$133.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 21-85KATE REYNAUD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kate Reynaud in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 22-85OLIVIA MARIA RAMOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Olivia Maria Ramos in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 23-85ELIZABETH MORARTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Morarty in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 24-85

MARILYN MOODIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marilyn Moodie in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 25-85

MAUREEN MCGINLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maureen McGinley in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 26-85

STEPHEN MILLER JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Miller Johnson in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 27-85

LEOLA GARDNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leola Gardner in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 28-85

PETER H. DUXBURY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Duxbury in the sum of \$67.05 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 29-85

CHRISTINE BURKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Burke in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 30-85

GREGORY BERGMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory Bergman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 15, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 31-85

NORYS BENI-HALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norys Beni-Hall in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 32-85

EVA BANARES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eva Banares in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 33-85

ABC TOWING (WINSLOW)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Winslow) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder Sanchez



RESOLUTION NO. 34-85

ABC TOWING (ROSS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ross) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 35-85

ABC TOWING (RICHARDSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Richardson) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 36-85

ABC TOWING (NHAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Nhan) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 37-85

ABC TOWING (MURPHY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Murphy) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 38-85

ABC TOWING (LAGASSE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Lagasse) in the sum of \$63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



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RESOLUTION NO. 39-85

ABC TOWING (JOYCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Joyce) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 40-85

ABC TOWING (GIST)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gist) in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 19, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 41-85

ABC TOWING (GILLEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gillen) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 42-85

ABC TOWING (DIXON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing in the sum of \$87.75 as the result of of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 43-85

ABC TOWING (ELLSWORTH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Ellsworth) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 44-85

KEITH NIELSEN'S SHIRLEY PROP.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith Nielsen's Shirley Prop. in the sum of \$121.14 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1984

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 53-85

RESOLVED, that the Traveling Expense Vouchers submitted by Sergeant Michael Kemmitt and Officer Michael Kenny of the Narcotics Section, in the amount of \$80.00 each for money due to them by the San Francisco Police Department for expenses incurred in attending the Narcotic Investigation Course in Novato from November 25th to December 7, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 66-85

RESOLVED, that the Traveling Expense Vouchers submitted by Officer Clifford Java, Officer James Speros and Officer Leon Loew of the Patrol Division, in the amount of \$100.00 each for expenses incurred in attending the Gang Seminar in Millbrae from November 11th to November 30, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 67-85

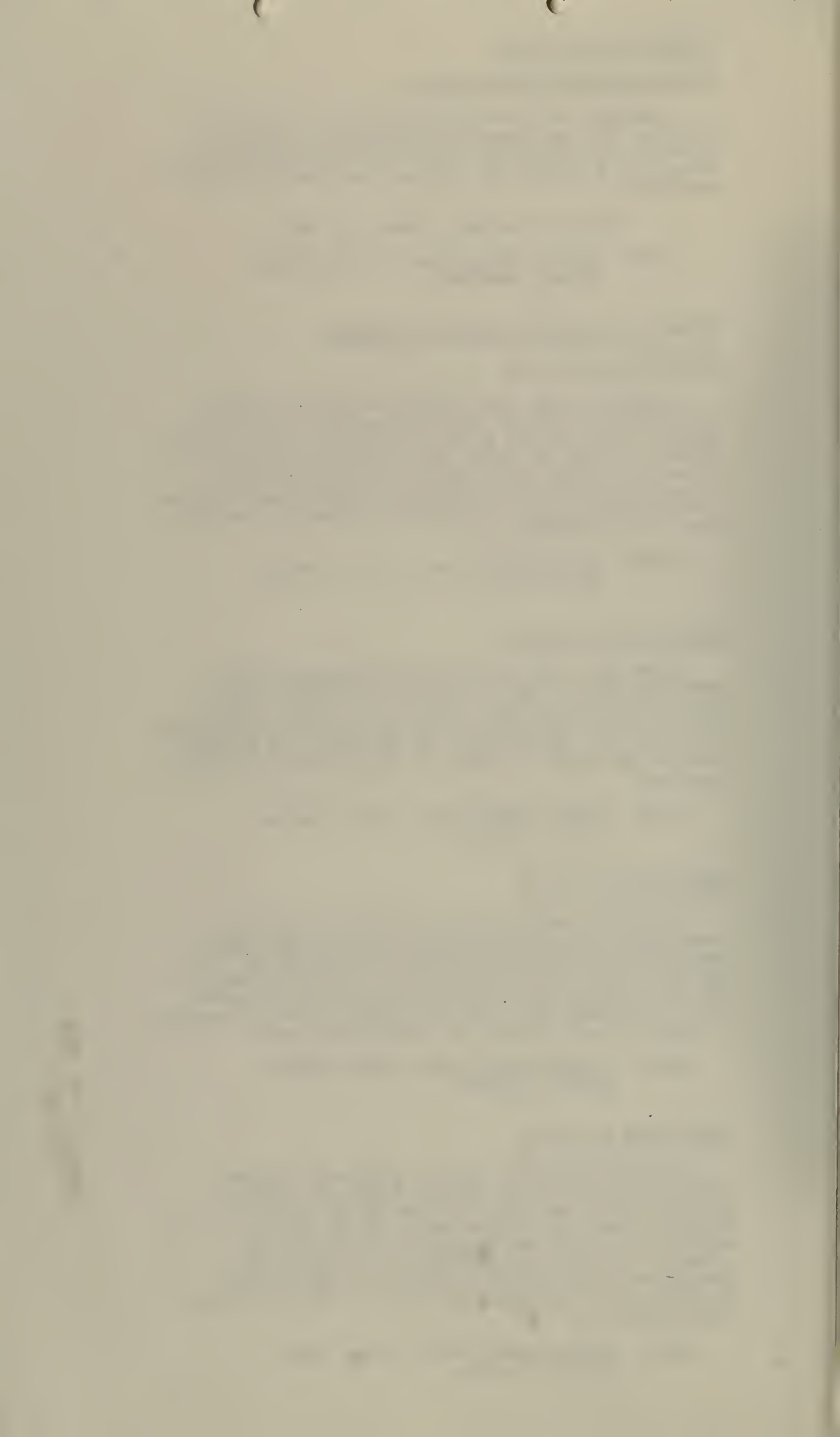
RESOLVED, that the Traveling Expense Voucher submitted by Sergeant Stanley Odmann of Enforcement and Investigations Bureau/Traffic Division, in the amount of \$824.00 for expenses incurred in attending the BMW Service School in Los Angeles from November 26th to November 29, 1984 and December 3rd to December 6, 1984, be and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 68-85

RESOLVED, that the Traveling Expense Vouchers submitted by Inspector Anthony Camilleri, Officer Kenneth Foster and Officer James Deely of the Narcotics Section, in the amount of \$24.00 each due to them by the San Francisco Police Department for expenses incurred in attending the Clandestine Laboratory Investigation Course in Riverside from December 4th to December 6, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



RESOLUTION NO. 69-85

RESOLVED, that the Traveling Expense Voucher submitted by Ms. Marion Coggan, Principal Clerk/Stenographer of the Administration Bureau, in the amount of \$165.00 for expenses incurred in attending the Seminar for Executive Secretaries in San Francisco on December 3, 1984, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 70-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICERS JOHN CLEARY AND JAMES ZERGA, VICE CRIMES DIVISION, BE AUTHORIZED TO ATTEND THE VICE INVESTIGATIONS COURSE IN SAN JOSE, FROM JANUARY 28th TO FEBRUARY 1, 1985

RESOLVED, that the recommendation of the Chief of Police that Officers John Cleary and James Zerga, Vice Crimes Division, be authorized to attend the Vice Investigations Course, conducted by the California Department of Justice in San Jose from January 28th to February 1, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$589.65 each for tuition, subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

RESOLUTION NO. 71-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER MARK DONZELLI, TACTICAL DIVISION/DOG UNIT, BE AUTHORIZED TO ATTEND THE ADVANCED CANINE HANDLERS COURSE IN RIVERSIDE, FROM JANUARY 14th to 19, 1985

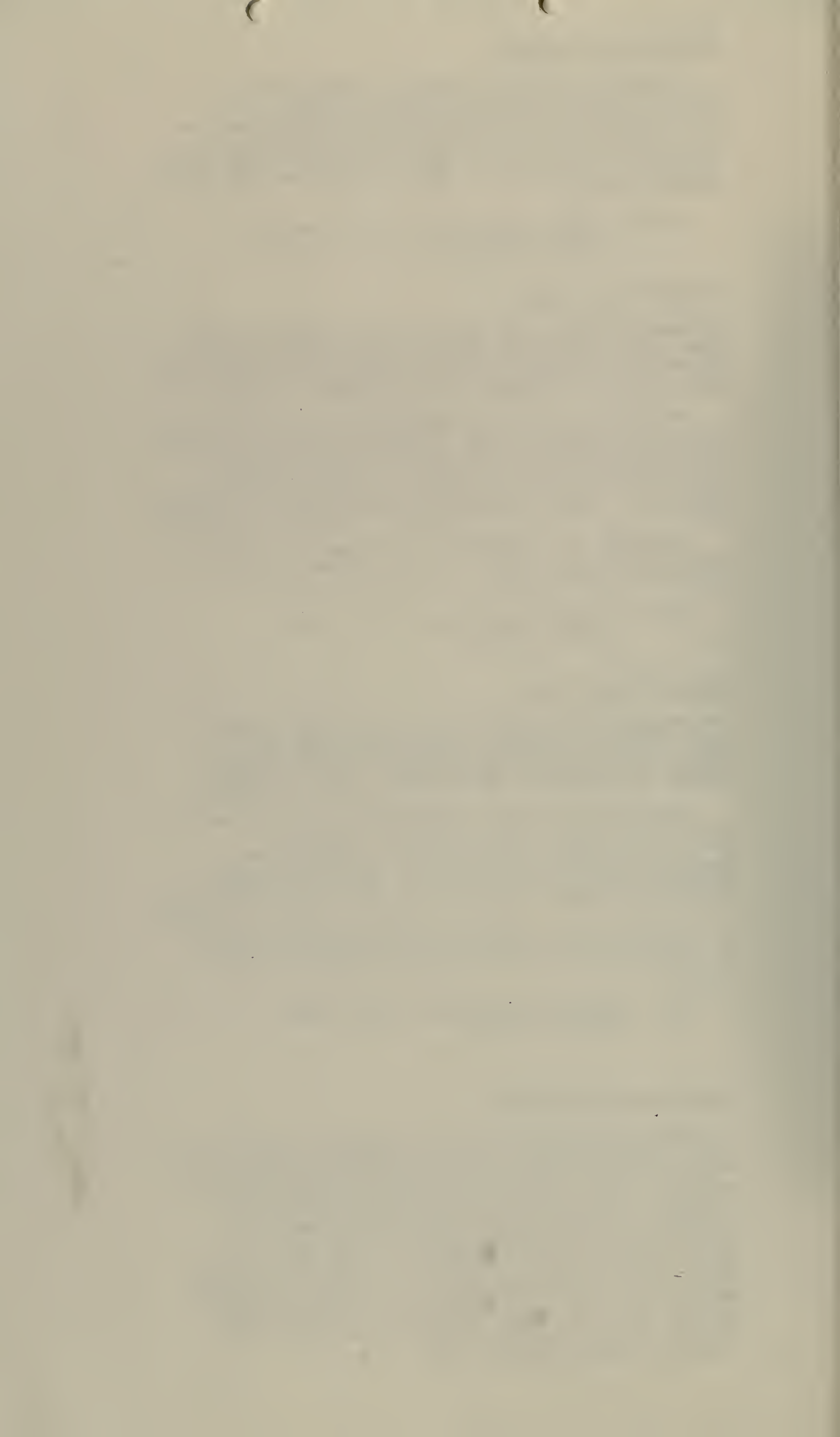
RESOLVED, that the recommendation of the Chief of Police that Officer Mark Donzelli, Tactical Division/Dog Unit, be authorized to attend the Advanced Canine Handlers Course, conducted by the Academy of Justice in Riverside, from January 14th to January 19, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$672.25 for subsistence and tuition are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

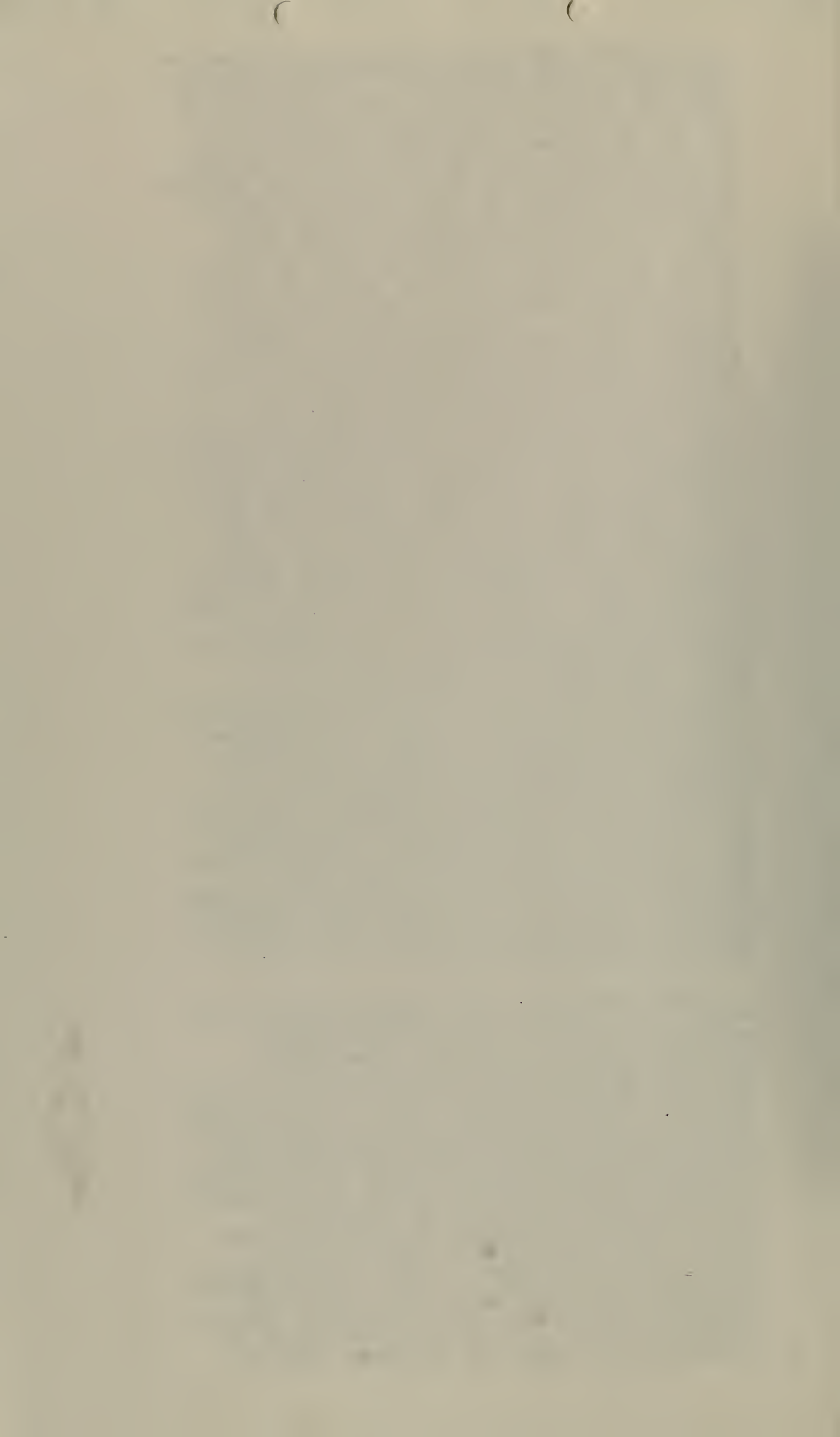
POLICE COMMISSION REPORT

Commissioner David Sanchez announced that The Police Commission had met in an Executive Session this afternoon pertaining to Attorney-Client matters and no vote was taken. He said The Police Commission had also met in a Meet and Confer Session with the San Francisco Police Officers' Association Phase 1, pertaining to Re-Organization. He said the other matter listed on that calendar, Hearing Rules of the Office of Citizen Complaints will be held over until January 17th. He then announced that the Director of the Office of Citizen Complaints, (OCC) Mr. Frank Schober, is here tonight to speak under The Police Commission Report Agenda Item.



Mr. Schober advised The Commission that tonight he would speak to them regarding the Office of Citizen Complaints Goals and Objectives for the calendar year 1985, and also for fiscal year 85/86. "I am positive that with only a modicum of additional support OCC will not only perform the mission required of it by the Charter of the City and County of San Francisco, it will exceed the expectations of the public spirited citizens who devised the initiative which brought it into being. The backlog of over 437 cases which I reported to you has been reduced by 100 as of this date. I expect it to be reduced by April 2nd by another 275. I want to get to the point in which we will have no pending cases older than 60 to 75 days. As I reported to you earlier, I have with present resources set up a control and evaluation section similar to the intake section of the old Internal Affairs Bureau. This new section has had remarkable success in handling complaints quickly and expeditiously with a high level of cooperation from the leadership of the police department. This section, will I believe; and I am confident will be able to handle 90 to 95% of the citizens inquiries and complaints in a way that will prove acceptable to the citizenry and to the officers of the San Francisco Police Department. I am rather surprised that the Control Evaluation Section has worked as well as it has. The Hearing Section of presently three (3) Hearing Officers would begin, I hope, to be in full operation after the adoption of the Hearing Rules in February. What I am doing in that interim, is, the Hearing Officers I have on board is, at the suggestion of senior officials in the police department, is getting those Hearing Officers fully acquainted or as acquainted as possible with the operation of the police department. I am sending them out on ride-along programs and they are also looking very carefully into the cases they will be holding hearings on hopefully in February. I would like to now give you our proposed budget for 1985/86. This budget calls for an increase of approximately \$67,000 and involves four new positions. One additional investigator, one statistician management information specialist and two additional clerical personnel. I feel that when we get rolling as a team we will be able to solve the problems the office has encountered and my goal is an ambitious one, but I think achievable and that is to make the Office of Citizen Complaints the best professional standards agency of its kind in the country. The objectives that I have listed in that statement of goals and objectives I feel will accomplish that."

Commissioner Thomas Hsieh then said to Mr. Schober that he felt it was commendable that he had provided all those materials for The Commission presented tonight. He said in accordance with procedures he would suggest that perhaps this particular discussion be continued to the next hearing after The Commission has had a chance to first of all digest it. He said, secondly, what he also considered very important is when The Commission considers the budget an advanced public announcement must be made allowing the public to provide input. He said, then, in the meantime, The Commission should have considered the goals and objectives that Mr. Schober has presented today. He said they should also consider them as a part of a public hearing with proper notification to the public. He said The Commission Secretary, Lieutenant Willie Frazier, could establish the appropriate time to place these items on The Commission's Agenda. he said that statement should be considered as a motion and it was then seconded by Commissioner Burl Toler, and unanimously approved.

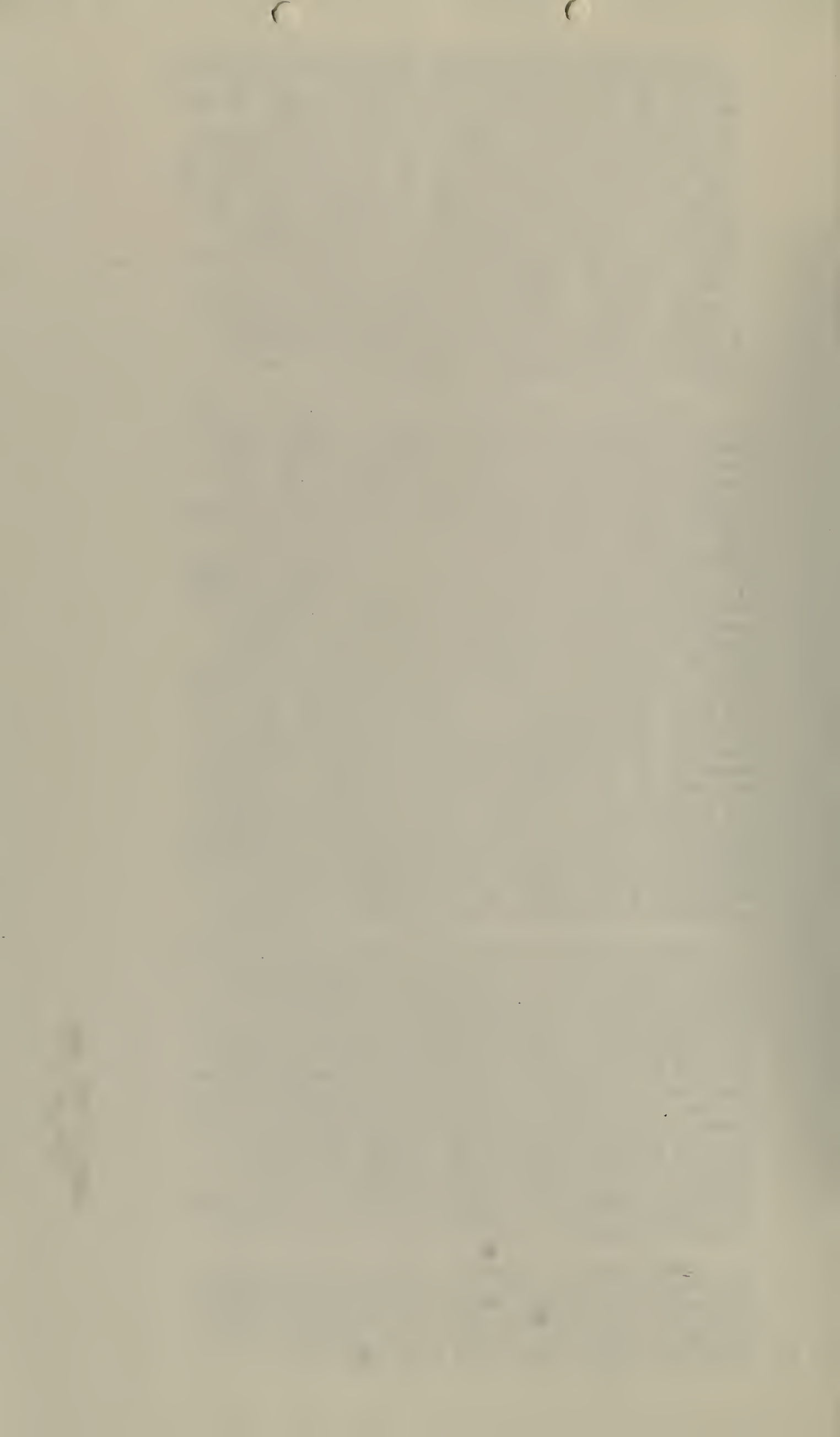


Commissioner David Sanchez said The Commission has really been quite pleased with the great vigor Mr. Schober has undertaken in a very complex area and his ability to come in with long and short range objectives. He said the motion which The Commission has approved does give them time to review the new areas of which The Commission is held accountable. He said he was glad that Mr. Schober has stated for the record that the Hearings would take place after the adoption of the Rules which would be some time in February. He said, because, in The Commission's initial meeting this afternoon with the San Francisco Police Officers' Association there were some inferences made that The Commission had a different interpretation. He said The Commission will have on calendar on the 17th, Office of Citizen Complaints Rules and Regulations Meet and Confer with the San Francisco Police Officers' Association so that the matter can be clarified and moved along.

Commissioner Alfred Nelder in his response to Mr. Schober stated he also had not had any time to read any of the materials just presented. However, he said, one of the most serious problems in the past were probability or proper investigation of allegations of many if the cases with perhaps too many coming back with a finding of insufficient evidence, not probable and ecetera. He then asked if Mr. Schober had taken any steps to shore up that problem. Mr. Schober said that one thing he has done to tackle this problem is put into play an investigative report which will standardize investigations. He said in wrestling with the problem of probability in many cases it is the citizens word against the officers' but he said he felt some preventive medicine is in order in terms of the OCC's procedures. He continued by saying that one of the things that they are doing is that when there is an allegation against an officer, in the OCC process now, they are calling up the officer's immediate superior and the superiors superior so in essence they are calling in the chain of command. Informal feedback, he said, is, that it is already having a good effect on the whole process of complaints. He said the other thing that he has suggested in their goals and objectives is simply that they make available polygraph examinations for those people who want them and in cases where its an officer's word against an individual this may prove effective in substantiating a claim of a complaint.

Chief of Police Cornelius P. Murphy said just as a word of caution that the OCC should be very careful as to how they offer the polygraph to complainants as they (complainants) may interpret it as OCC not believing what the complainants are saying. He said the complainants should be informed up front before any statement is taken from them and that would take care of the problem of having the complainants assume that the investigators don't believe what they are saying. Mr. Schober said thats a good point, a good number of complaints that come in can be solved through the Commanding Officer Referral system. He said in the past this has not worked effectively, however, he said, they intend to make full and effective communications with captains in the stations and details so that the Commanding Officer Referral process can work.

Commissioner David Sanchez said The Commission will look forward to further discussion and questions including public input when this matter is scheduled for public hearing soon before The Commission, which will also include the Office of Citizen Complaints and Department Budget for Fiscal Year 1985/86.



CHIEF'S REPORT TO THE POLICE COMMISSION

Commissioner Alfred Nelder inquired of the Chief as to what is being done to solve the problems at McCauley Park.

Chief of Police Cornelius P. Murphy, said they are working with members of the community in that regard as to whether it should be turned into a children's playground or whether it should just be closed altogether or just at a certain hour. He said there are definitely problems over there and the Department is working very hard to solve them.

Commissioner Nelder then thanked Chief Murphy for bringing The Commission up to date in that regard.

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT
GENERAL ORDER TO IMPLEMENT A RE-ORGANIZATIONAL
PROPOSAL WHICH WILL SEPARATE THE PATROL FORCE INTO TWO
DIVISIONS AND CREATE AROUND THE CLOCK COMMAND
RESPONSIBILITY

Commissioner David Sanchez asked for the public input on this item and receiving no response called for the next item.

PUBLIC DISCUSSION ON THE HEARING RULES OF THE OFFICE
OF CITIZEN COMPLAINTS

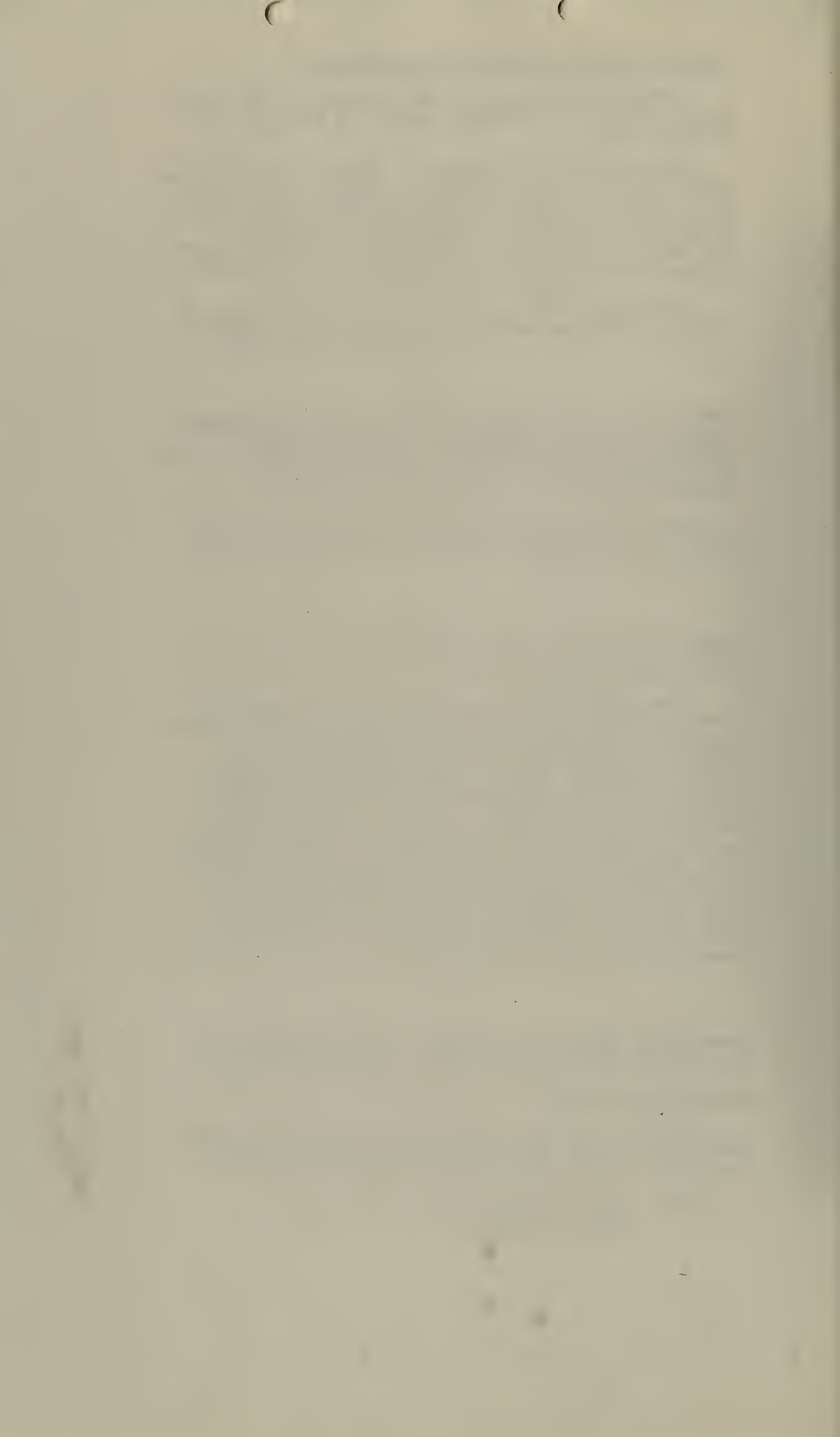
Commissioner David Sanchez said for a point of clarification regarding Item #7, the Re-Organizational Proposal, The Commission has been meeting and conferring with the San Francisco Police Officers' Association pertaining to some issues that needed clarification and that matter will be held over and cleared within two weeks. The Office of Citizen Complaints proposed Hearing Rules, he said, are also being reviewed by the City Attorney's Office and they will be a matter of discussion on the 17th of January by The Commission and by the San Francisco Police Officers' Association and the Chief of Police. He said there will also be an opportunity for public input along with a response from the Office of Citizen Complaints Director at that point.

DEPARTMENT GENERAL ORDER I-15, "POLICY AND PROCEDURE
FOR PAYMENT OF TRAFFIC WARRANTS BY CREDIT CARD"

RESOLUTION NO. 1-85

RESOLVED, that the Police Commission hereby adopts Department General Order I-15, Police and Procedure for Payment of Traffic Warrants by Credit Card".

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES

RESOLUTION NO. 60-85

WHEREAS, Police Officer Scott G. Quinn, Mission Station, was suspended without pay effective 1700 hours on October 5, 1984, pending charges before The Police Commission; and

WHEREAS, Police Officer Scott G. Quinn has requested a Leave of Absence Without Pay pending hearing of charges before The Police Commission; therefore be it

RESOLVED, that Police Officer Scott G. Quinn, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of thirty (30) days commencing January 2, 1985 through January 31, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES

RESOLUTION NO. 59-85

WHEREAS, Police Officer Niall J. Philpott, Mission Station, was suspended without pay effective 1700 hours on October 5, 1984, pending hearing of charges before The Police Commission; and

WHEREAS, Police Officer Niall J. Philpott, Mission Station, has requested a Leave of Absence without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Niall J. Philpott, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of thirty (30) days commencing January 2, 1985 through January 31, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

HEARING OF POLICE INSPECTOR THAIVED K. RICHMOND,
INVESTIGATIONS BUREAU/FRAUD DETAIL

RESOLUTION NO. 2-85

The Hearing of Police Inspector Thaived K. Richmond, Investigations Bureau/Fraud Detail, was called it having been set for this date. Police Inspector Thaived K. Richmond was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in personal business while on duty (violation of Rule B-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);



in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Inspector Thaived K. Richmond did not appear and was not represented by counsel.

Chief of Police Cornelius P. Murphy states that the matter has been resolved administratively and he is requesting that the Charges be withdrawn; therefore be it

RESOLVED, that the Charges filed against Police Inspector Thaived K. Richmond, Investigations Bureau/Fraud Detail, is continued off calendar by Order of The Police Commission.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

HEARING OF POLICE SERGEANT HUGH C. ELBERT, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 4-85

WHEREAS, on November 9, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Sergeant Hugh C. Elbert, Communications Division, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Thursday, January 3, 1985 as the date for the hearing of Charges filed against Police Sergeant Hugh C. Elbert; and

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Sergeant Hugh C. Elbert from the San Francisco Police Department; said resignation effective January 3, 1985, which resignation was accepted with the condition that the services of Police Sergeant Hugh C. Elbert have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the Charges of violating the Rules and procedures of the San Francisco Police Department filed against Police Sergeant Hugh C. Elbert, be, and the same are hereby continued off calendar.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



POLICE OFFICER MARTHA D. FABIANI, SUPPORT SERVICES
BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 5-85

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Martha D. Fabiani, Support Services Bureau/Communications Division, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which tends to reflect discredit on the Department and the members of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO.

Attempting to use her official position to secure personal privileges or avoid the consequences of illegal conduct (violation of Rule B-7 of General Order D-1 of the San Francisco Police Department);

CHARGE NO: 3

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

by Cornelius P. Murphy, Chief of Police of the San Francisco Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Martha D. Fabiani, Support Services Bureau/Communications Division, is set for Thursday, January 10, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

POLICE OFFICER MICHAEL D. McCARTHY, SUPPORT SERVICES
BUREAU/COMMUNICATIONS DIVISION

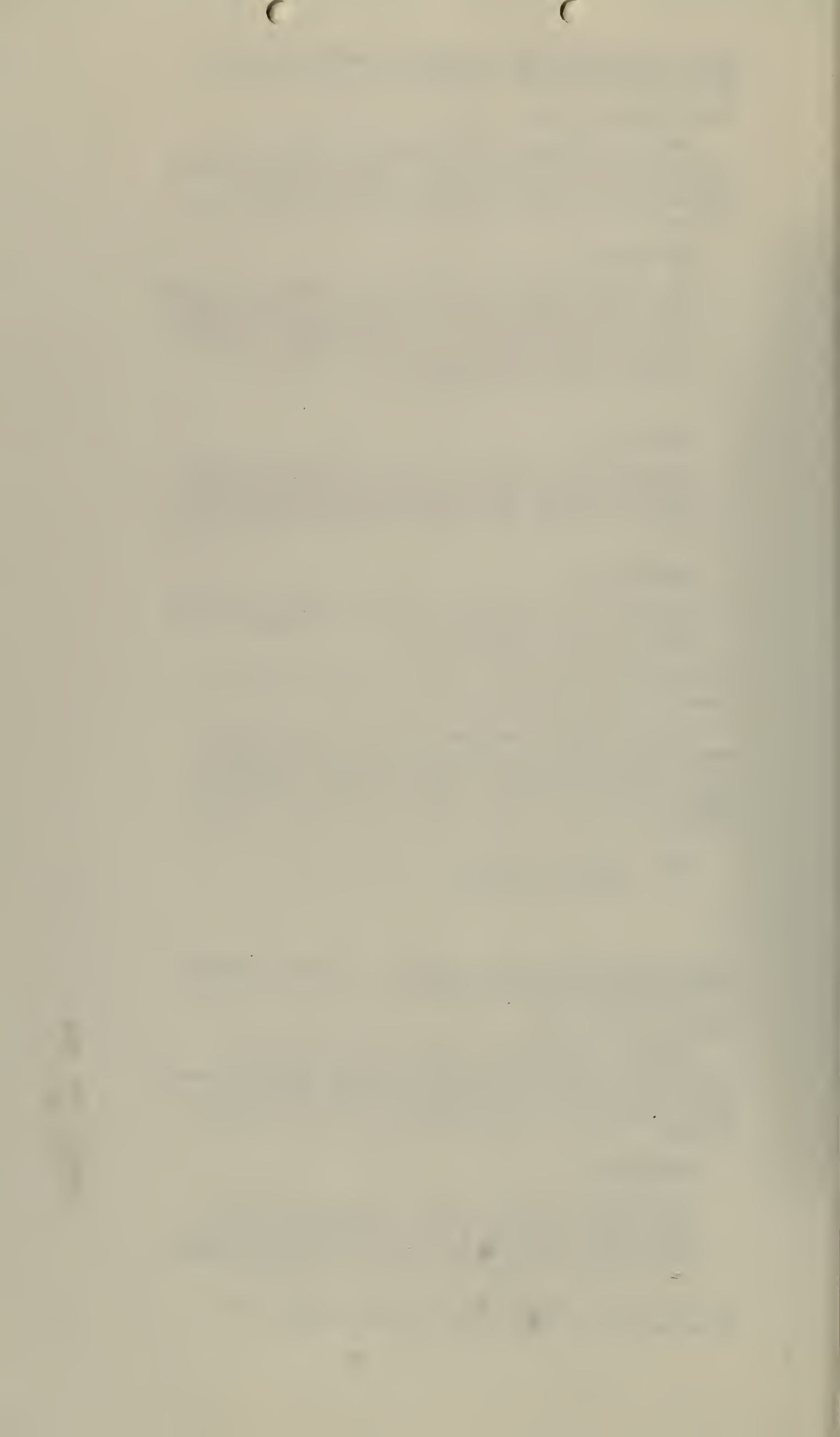
RESOLUTION NO. 6-85

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael D. McCarthy, Support Services Bureau/Communications Division, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order efficiency, and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it



RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael D. McCarthy, Support Services Bureau/Communications Division, is set for Thursday, January 10, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder,
Hsieh, Sanchez

HEARING OF PATROL SPECIAL OFFICER ALFREDO BALLESTEROS,
MISSION POLICE DISTRICT

The Hearing of Patrol Special Officer Alfredo Ballesteros, Mission Police District, was called it having been set for this date. Patrol Special Officer Alfredo Ballesteros was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Police Department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Patrol Special Officer Alfredo Ballesteros appeared in person and was represented by Mr. Michael Cohen, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Michael E. Gash, Prosecuting Attorney for the San Francisco Police Department.

An opening statement was made by Mr. Michael Cohen, Defense Attorney, representing Patrol Special Alfredo Ballesteros.

The Charges against Patrol Special Officer Alfredo Ballesteros were then read into the record.

The following named witnesses were called by the prosecution, were sworn and testified:

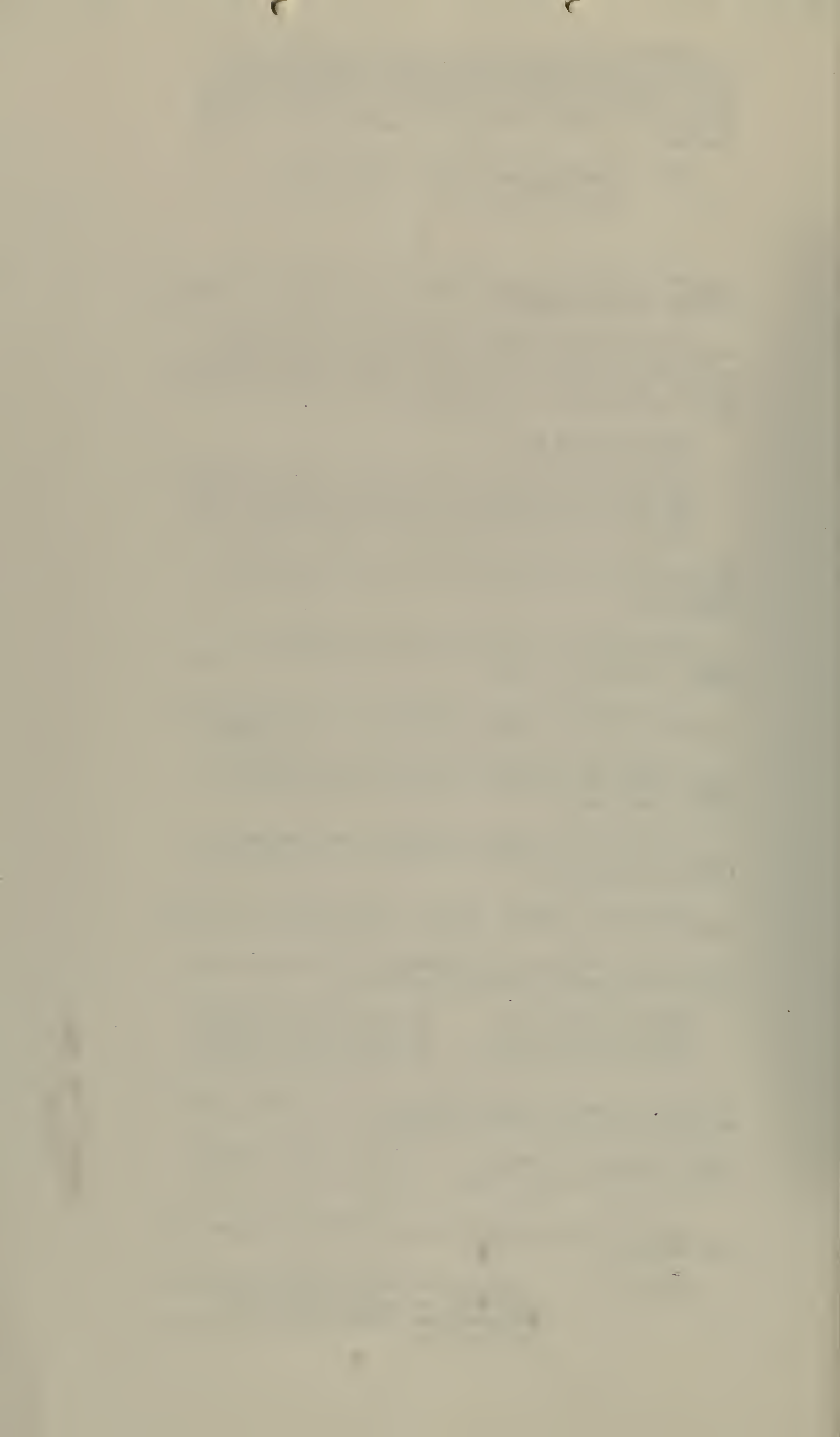
Officer Laurel Hall	Mission Police Station
Officer Monica Fields	Mission Police Station
Captain Victor Macia	Mission Police Station

The following named witnesses were called by the Defense, were sworn and testified:

Patrol Special Ballesteros	Mission Police District
Patrol Special James Blundt	Mission Police District

The following exhibit was entered into evidence by the Defense:

Exhibit A	Intra-Departmental Memorandum dated 05/29/84 to Lieutenant Ignacio Fuentes from Patrol Special Officer Ballesteros
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The Commission took the matter under submission, recessed and returned, finding that the charges in Specification No. 1, particularly Section (b), are sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief of Police that Patrol Special Officer Alfredo Ballesteros be suspended for five (5) days, said five (5) days to be held in abeyance for 60 days, provided that Patrol Special Officer Ballesteros obtain Police Officer Standards & Training (P.O.S.T.) at his own expense. Non compliance means the five (5) days held in abeyance will therefore be imposed.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 3-85

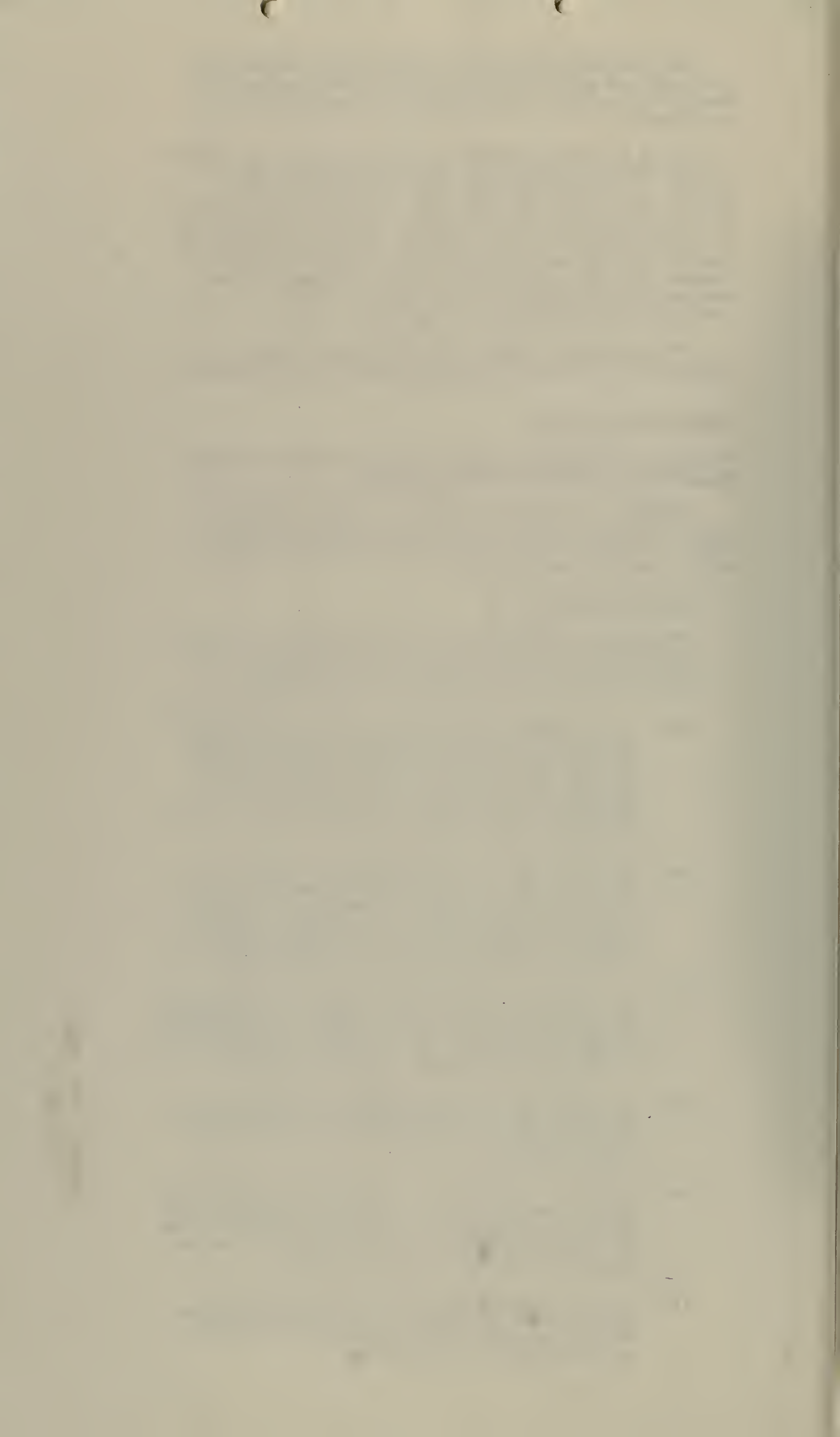
DECISION - HEARING OF PATROL SPECIAL OFFICER ALFREDO BALLESTEROS MISSION POLICE DISTRICT

WHEREAS, on July 26, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Patrol Special Officer Alfredo Ballesteros, Mission Police District as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Police Department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department).

- (a) At all times mentioned herein, Patrol Special Officer Alfredo Ballesteros, Star No. 2651 (hereinafter referred to as "the accused",) was and is a duly appointed Patrol Special Officer with the San Francisco Police Department and assigned to Beat No. 3 in the Mission Police District;
- (b) As a Patrol Special Officer of the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules and Procedures for Patrol Special Officer and Assistant Patrol Special Officers of the San Francisco Police Department;
- (c) At or about 2230 hours on May 26, 1984, while on duty in uniform, the accused was requested by an employee of a donut shop at 2400 Mission Street in the City and County of San Francisco to remove two persons from the shop;
- (d) As the accused was removing the two persons from the shop, another person present in the shop asked the accused why the people were being removed;
- (e) The accused and the person who had questioned him became involved in a verbal argument. As the argument abated, the accused was observed to kick the person in the back of the leg as the person attempted to walk away;
- (f) Two San Francisco Police Officers who has observed the altercation between the accused and the person, exited their patrol vehicle to investigate the situation;



- (g) The police officers detained the person who had been arguing with the accused to determine the nature of the altercation;
- (h) While the two police officers were talking to the detainee, the accused struck the detainee in the legs several times with his baton without lawful justification or excuse;
- (i) By striking a detainee without lawful justification or excuse, the accused engaged in conduct which reflects discredit upon the Department and which tends to subvert the good order, efficiency, or discipline of the Department which constitutes a violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department to any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said Charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 3, 1985 and on Thursday, January 3, 1985, the matter was submitted to The Police Commission for decision; and

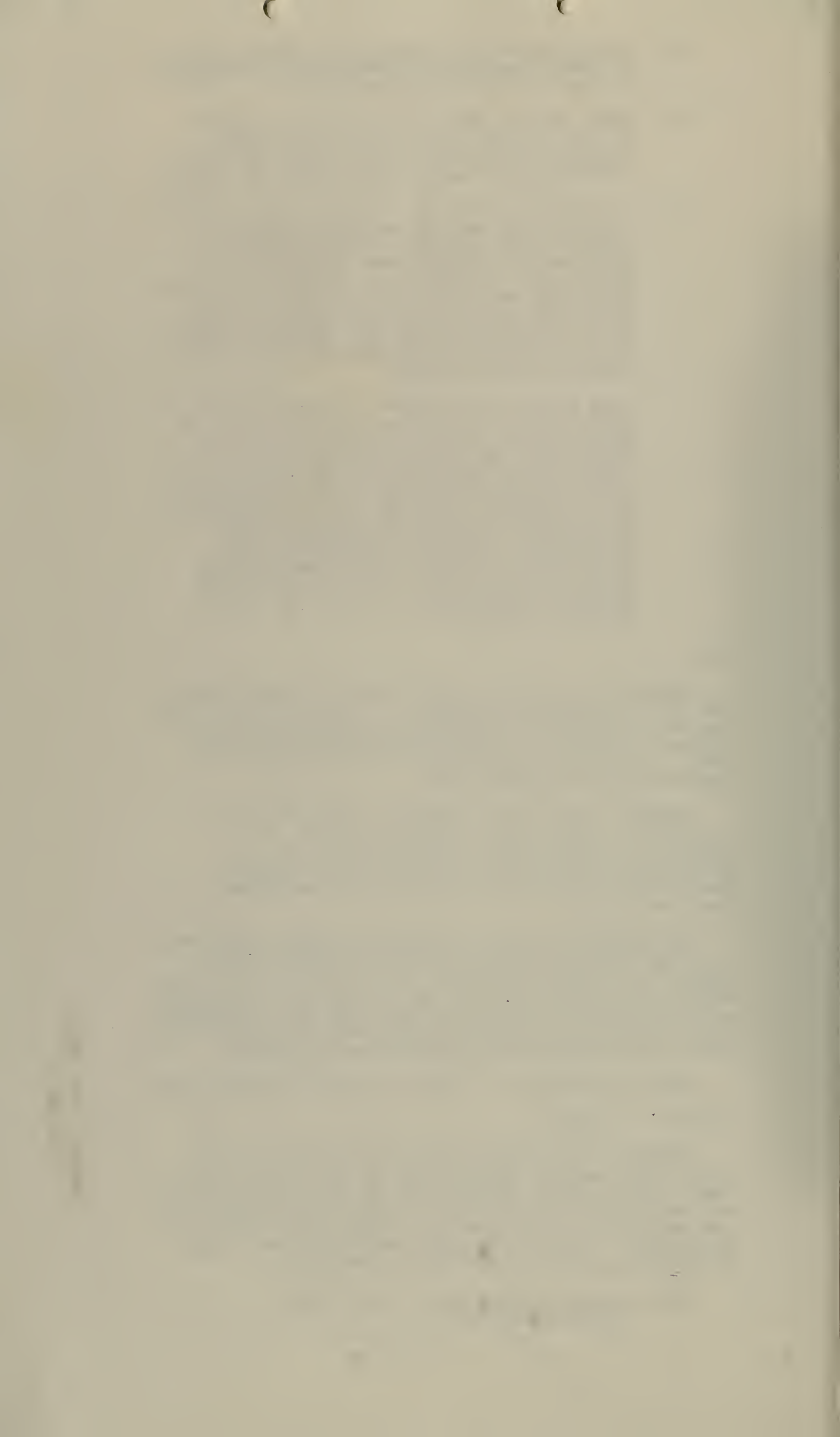
WHEREAS, The Police Commission finds that the allegations contained in Specification No. 1, violation of Rule 2.13 of General Order D-1, as preferred by the Chief of Police against Patrol Special Officer Alfredo Ballesteros is sustained; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission Orders that the following discipline be imposed:

Specification No. 1 [penalty] Five Calendar Days
and be it further;

RESOLVED, that said suspension totaling five (5) days, to be held in abeyance for 60 days, provided that Patrol Special Officer Alfredo Ballesteros obtain Police Officer Standards & Training (P.O.S.T.) at his own expense, and if he fails to comply with these provisions, said five (5) days held in abeyance will therefore, and shall be, hereby imposed.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez



(The Entire Proceedings were taken in Short-
hand Form by Ms. Linda Pransky, CSR.)

Recesses taken during the Hearing of Patrol
Special Alfredo Ballesteros:

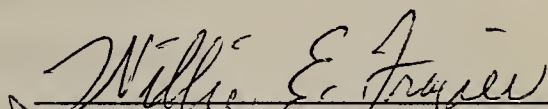
7:58 p.m. to 8:07 p.m.

8:10 p.m. to 8:15 p.m.

9:18 p.m. to 9:37 p.m.

AYES: Commissioners Daly, Toler, Hsieh,
Nelder, Sanchez

THE MEETING WAS THEN ADJOURNED


Lieutenant Willie E. Frazier
Secretary
The Police Commission

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10 JANUARY 1985SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 10, 1985 at 1500 hours in a Special Meeting.

PRESENT: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

DOCUMENTS DEPT.

Commissioner David Sanchez presiding.

SEP 11 1985

SAN FRANCISCO
PUBLIC LIBRARYHEARING OF POLICE OFFICER MARTY L. WAY, SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION

The Hearing of Police Officer Marty L. Way, Support Services Bureau/Property Control Division, was called it having been set for this date. Officer Marty Way was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct - Failure to conduct himself in an officer like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Marty L. Way appeared in person and was represented by Terrance Hallinan, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

Mr. Garrick Lew, objected to having his client, (Mr. Eddie Szeto) be cross-examined by Mr. Terrance Hallinan or Mr. Stephen Bley and Mr. Lew advised Mr. Szeto to refuse to testify.



Mr. Eddie Szeto was called to testify by the Department and at that time he invoked his privilege not to testify under the 5th Amendment of the United States Constitution.

Attorney Jerry Akins, in response, made a motion that Mr. Szeto's Testimony at the Criminal Preliminary Hearing be read into the record.

Defense Attorney Stephen Bley, on behalf of Officer Kevin Dempsey, objected to allowing Mr. Eddie Szeto's Testimony to be read into the record which was objected to also by, Mr. Terrance Hallinan, Attorney for Officer Marty Way.

The Commission took the matter under submission, recessed and returned, finding that there was no basis to proceed with the charges of Specifications No. 1, No. 2, and No. 3, and concurred with Chief of Police, Cornelius P. Murphy, on a 22 day suspension, with credit for time served, as penalty for violation of Specification No. 4, on which Attorney's for the Officer's stipulated to a plea that Specification No. 4 be sustained.

Thereafter, the Police Commission adopted the following resolution:

RESOLUTION NO. 51-85

DECISION - HEARING OF POLICE OFFICER MARTY L. WAY,
SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION

WHEREAS, on February 17, 1981, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Marty L. Way, Support Services Bureau/Property Control Division, as follows:

SPECIFICATION NO. 1

Misconduct, failure to conduct himself in an officer like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

- (a) At all times mentioned herein, Police Officer Marty L. Way, was a member of the San Francisco Police Department assigned to Central Station, Company "A";
- (b) At all times mentioned herein, Police Officer Marty Way was on duty and assigned to work as a uniformed patrolman in a marked patrol unit ;
- (c) At all times mentioned herein, Police Officer Marty Way was assigned to work in the City and County of San Francisco, to patrol that area commonly known as the Central Police District;
- (d) During the above assignment, Police Officer Marty Way was required to wear the uniform of the San Francisco Police Department;
- (e) As a police officer of the City and County of San Francisco, Police Officer Marty L. Way was required to know and adhere to the Rules and Procedures of the San Francisco Police Department;



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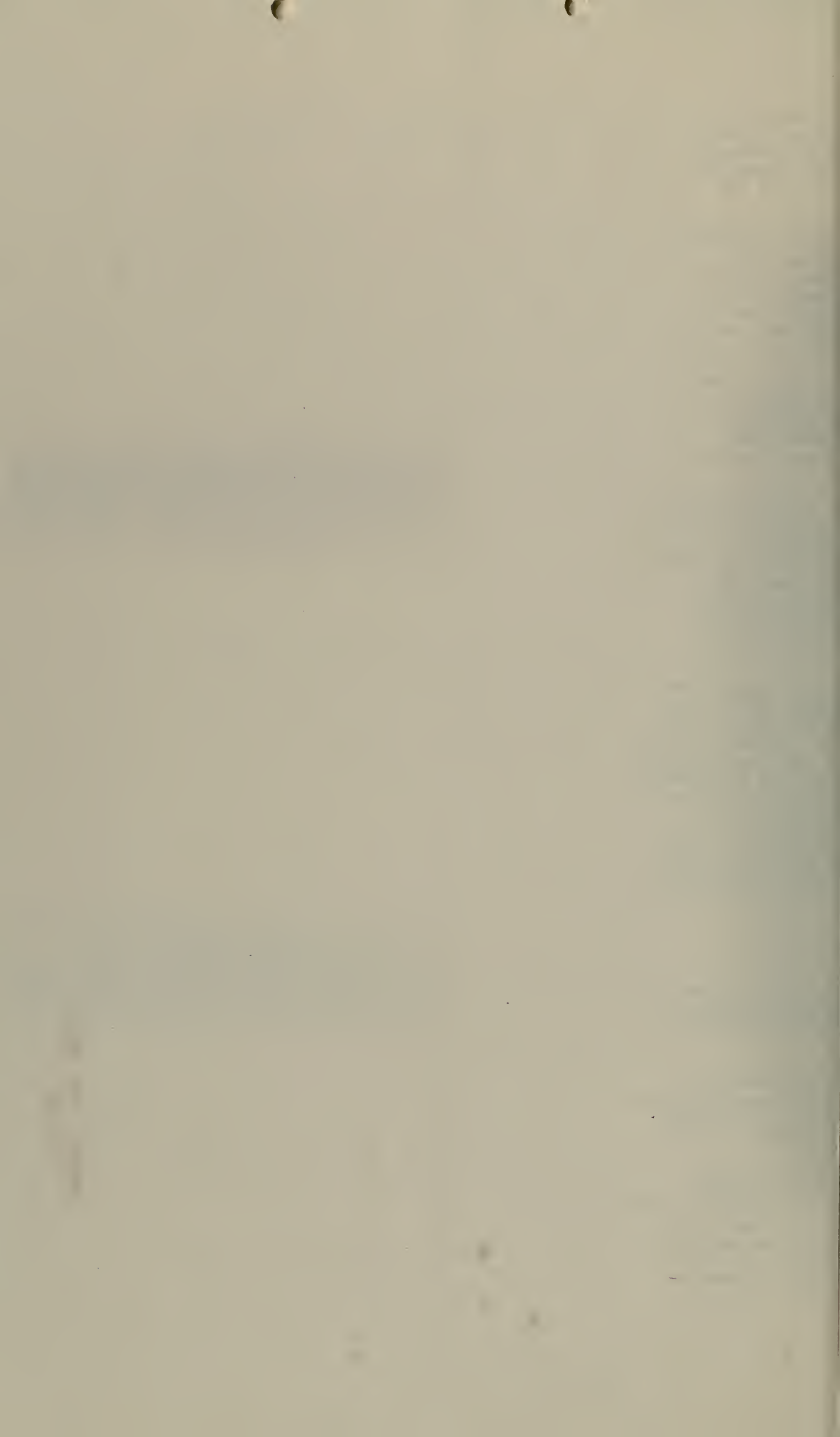
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2.03 "Shall at all times while on duty preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways. While off duty, a member shall take all reasonable steps consistent with Rule 7.12 to preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways."

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and procedures of the San Francisco Police Department);

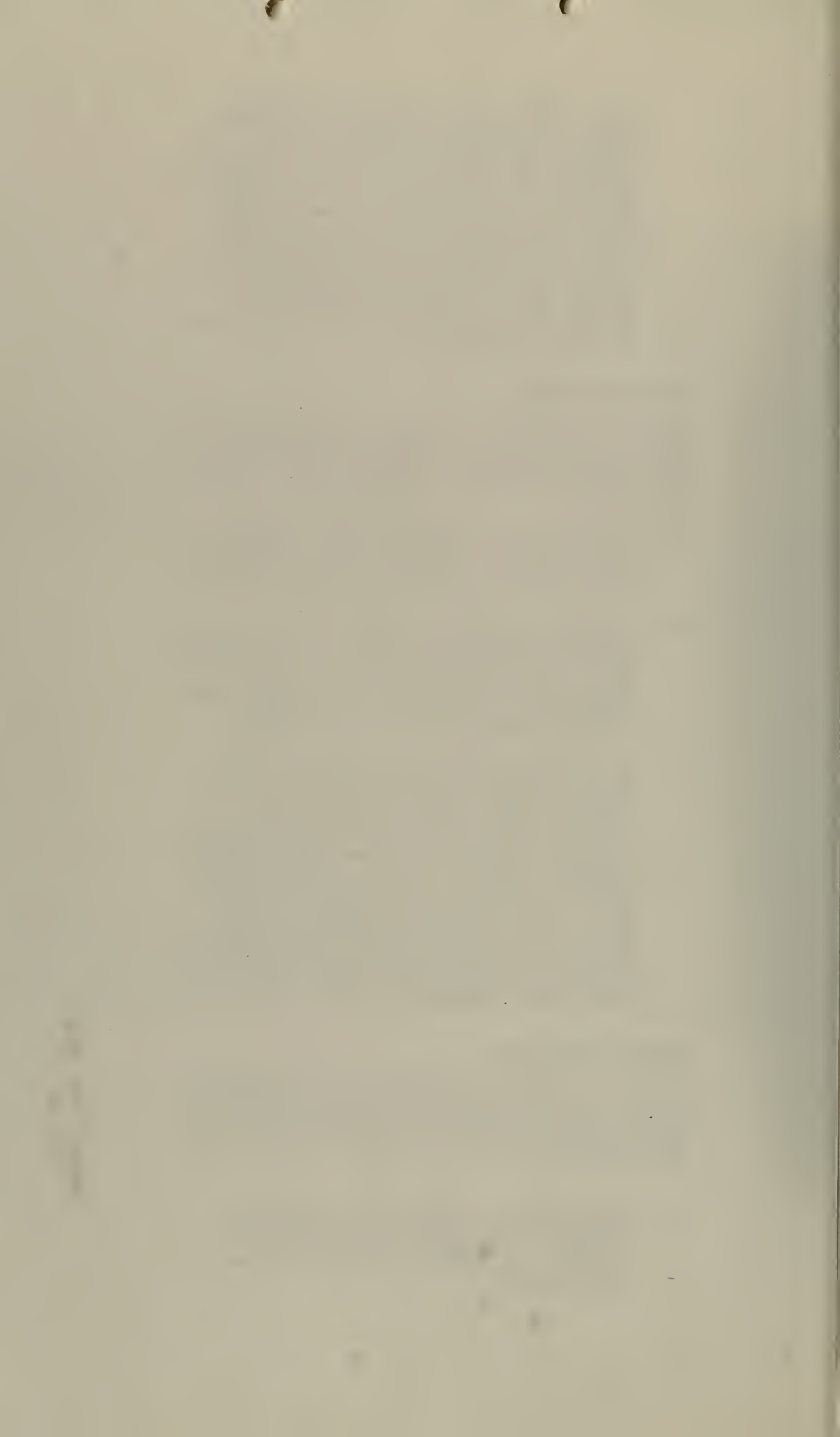
- (a) Each and every allegation contained in paragraphs (a) through (h) of Specification No. 1 is hereby incorporated by reference as though each were fully set forth herein;
- (b) The above referred to unlawful conduct in causing injury without legal justification while on duty constitutes a violation of the law of the State of California and is a violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department, which states that a member:

2.03 "Shall at all times while on duty preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all law and ordinances regulating vehicular and pedestrian traffic and travel upon public highways. While off duty, a member shall take all reasonable steps consistent with Rule 7.12 to preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways."

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of section 2.61 of the Rules and Procedures of the San Francisco Police Department);

- (a) Each and every allegation contained in paragraphs (a) through (h) of Specification No. 1 is hereby incorporated by reference as though each were fully set forth herein;



- (b) The perpetrating, participating, concurrence and/or aiding and abetting in the abduction and causing of injury to the above referred to person and the failure to make a written report to his commanding officer as to the occurrence of the incident constitutes conduct in violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department, which states that a member:

2.61 "Shall , whether on or off duty, make written report to his commanding officer of any crime or other occurrences of a police nature, which comes to his attention and which has not already received the attention of some other member."

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

- (a) Each and every allegation contained in paragraphs (a) through (h) of Specification No. 1 is hereby incorporated by reference as though fully set forth herein;
- (b) This conduct in transporting a person from the Central Police District to the Park Police district without authorization or justification constitutes a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department which states that a member:

9.29 "Shall not leave his beat, detail or assignment, EXCEPT:

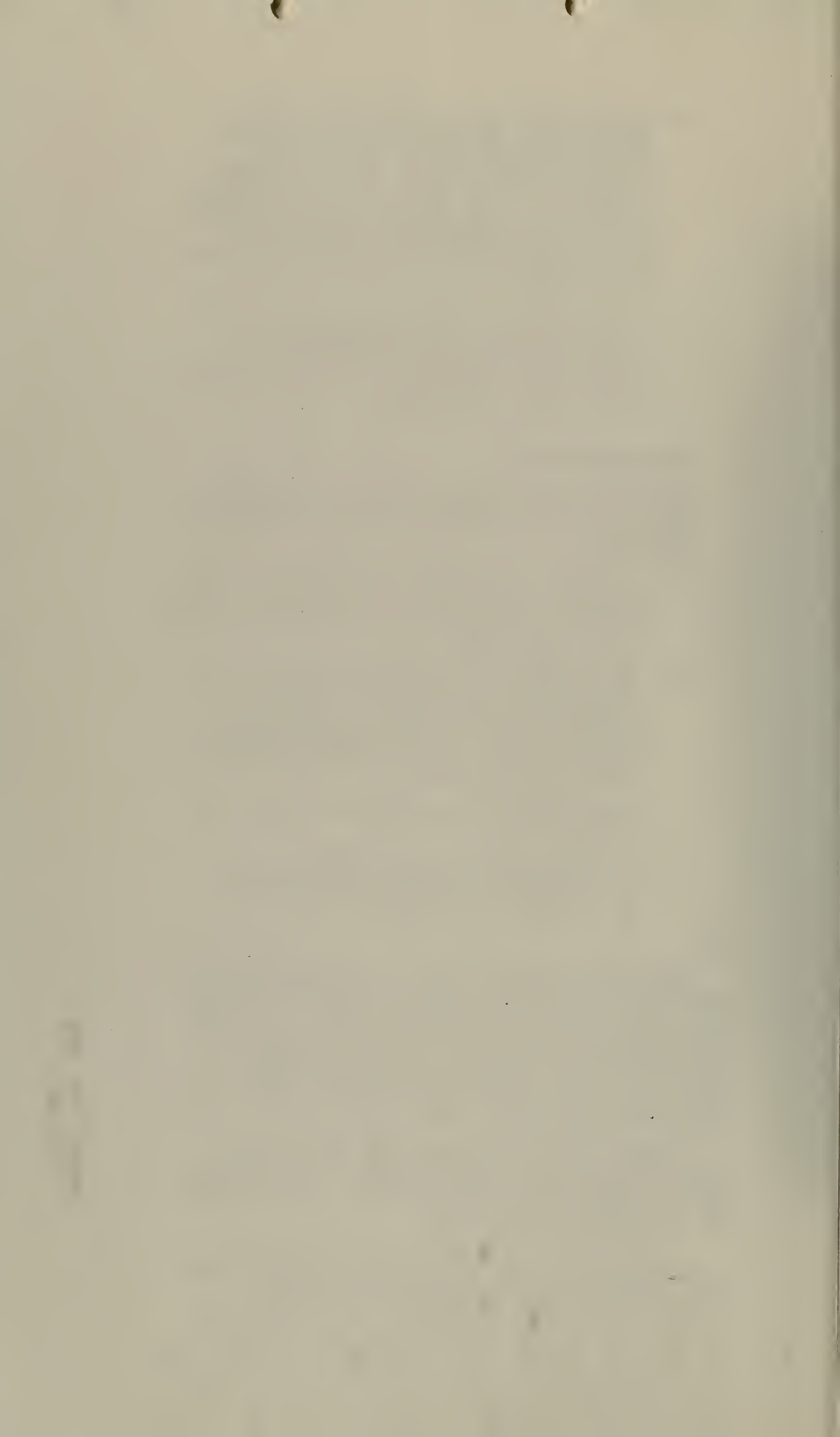
- .1 Performance of police duty.
- .2 Orders or permission of a superior.
- .3 Absolute personal necessity."

and

WHEREAS, a hearing on said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Monday, July 23, 1984; Tuesday, August 14, 1984; Thursday, August 23, 1984; Thursday, September 13, 1984, Thursday, November 15, 1984 and Thursday, January 10, 1985, and that on Thursday, January 10, 1985, the matter was submitted to The Police Commission for decision; and

WHEREAS, Mr. Terrance Hallinan, Attorney for Officer Marty Way, stipulated that The Commission make a finding that Specification No. 4 be sustained and the Department moved to dismiss Specifications No. 1, No. 2, and No. 3; and

WHEREAS, The Police Commission finds that the said charges made and served against Police Officer Marty L. Way, Support Services Bureau/Property Control Division, as contained in Specification No. 1, violation of Section 2.13; Specification No. 2, violation of Section 2.03; and Specification No. 3, violation of Section 2.61, of General Order D-1 of the San Francisco Police Department are dismissed as The Police Commission finds that there are no basis to proceed with the charges of Specifications No. 1, No. 2, No. 3, and Specification No. 4 is sustained; therefore be it



RESOLVED, that it is the Order of The Police Commission that 22 days suspension, with credit for time served, from Thursday February 12, 1981, 0001 hours to Thursday, March 12, 1981, 2400 hours, as penalty for violation of Section 9.29 of Specification No. 4, on which Attorney's for the Officer's stipulated a plea that Specification No. 4 be sustained, be, and the same is hereby approved.

(The Entire Proceedings were taken in Short-hand Form by Ms. Linda Pransky, CSR.)

Recess taken during the Hearing of Officer Marty Way:

3:34 p.m. to 3:58 p.m.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION - (D-1)

The Hearing of Police Officer Kevin P. Dempsey, Support Services Bureau/Communcations Division, was called it having been set for this date. Officer Kevin Dempsey was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct - Failure to conduct himself in an officer like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

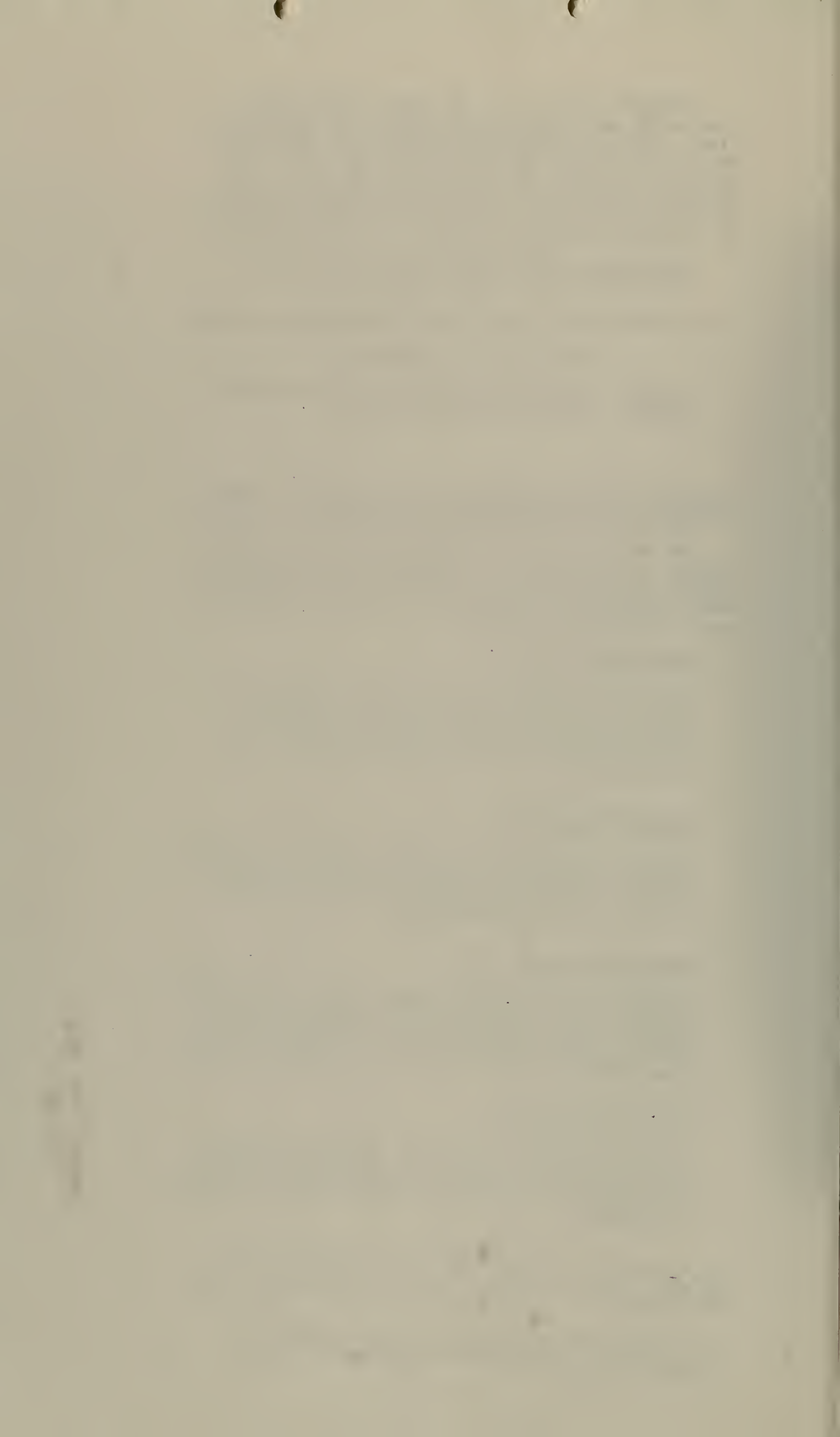
Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Kevin P. Dempsey appeared in person and was represented by Stephen B. Bley, Attorney at Law.



Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

Mr. Garrick Lew, objected to having his client, (Mr. Eddie Szeto) be cross-examined by Mr. Terrance Hallinan or Mr. Stephen Bley and Mr. Lew advised Mr. Szeto to refuse to testify.

Mr. Eddie Szeto was called to testify by the Department and at that time he invoked his privilege not to testify under the 5th Amendment of the United States Constitution.

Attorney Jerry Akins, in response, made a motion that Mr. Szeto's Testimony at the Criminal Preliminary Hearing be read into the record.

Defense Attorney Stephen Bley, on behalf of Officer Kevin Dempsey, objected to allowing Mr. Eddie Szeto's Testimony to be read into the record which was objected to also by, Mr. Terrance Hallinan, Attorney for Officer Marty Way.

The Commission took the matter under submission, recessed and returned, finding that there was no basis to proceed with the charges of Specifications No. 1, No. 2, and No. 3, and concurred with Chief of Police, Cornelius P. Murphy, on a 22 day suspension, with credit for time served, as penalty for violation of Specification No. 4, on which Attorney's for the Officer's stipulated to a plea that Specification No. 4 be sustained.

Thereafter, the Police Commission adopted the following resolution:

RESOLUTION NO. 52-85

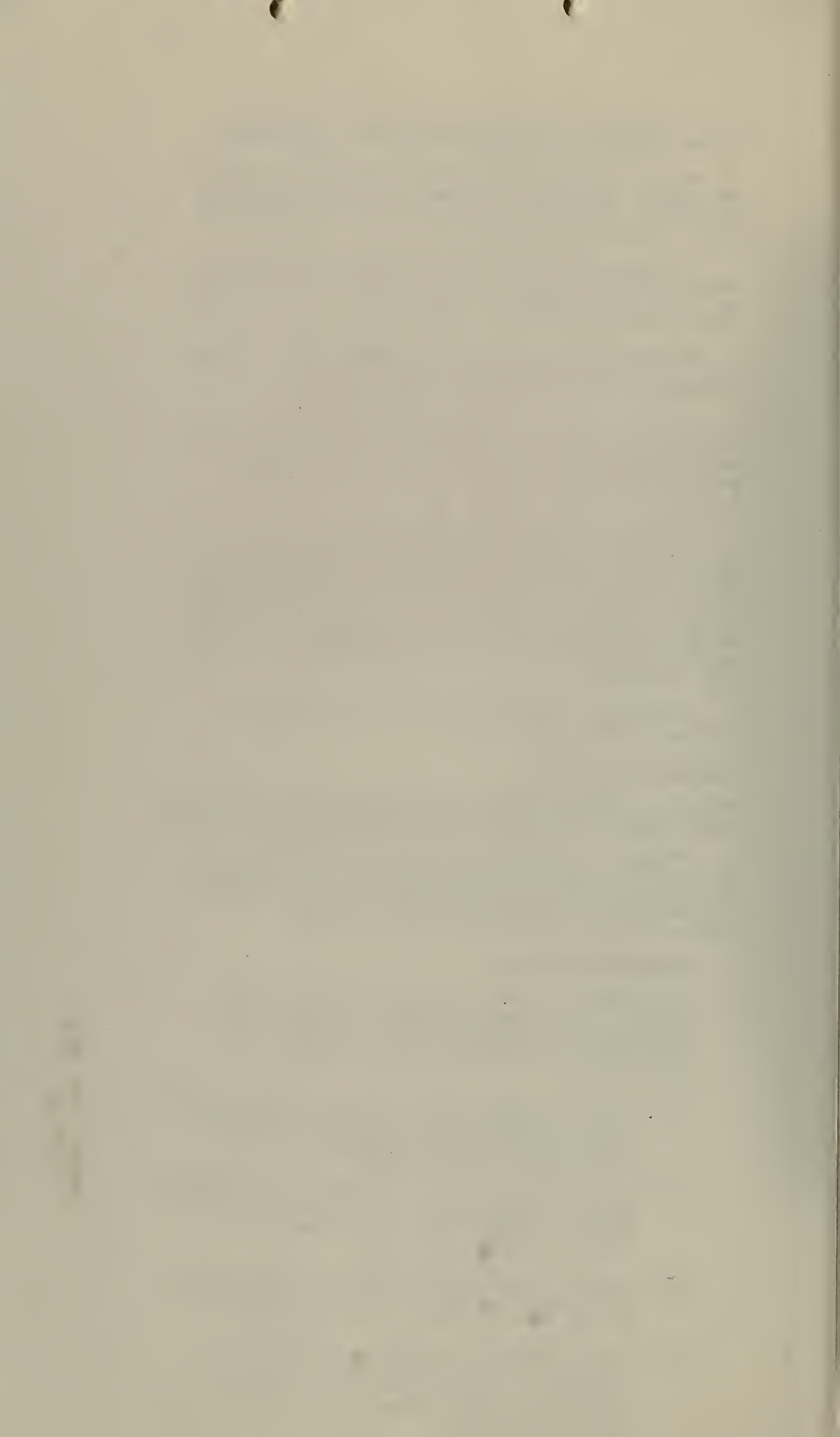
DECISION - HEARING OF POLICE OFFICER KEVIN DEMPSEY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION (D-1)

WHEREAS, on February 17, 1981, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Kevin P. Dempsey, Support Services Bureau/Communications Division, as follows:

SPECIFICATION NO. 1

Misconduct, failure to conduct himself in an officer like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

- (a) At all times mentioned herein, Police Officer Kevin P. Dempsey, was a member of the San Francisco Police Department assigned to Central Station, Company "F";
- (b) At all times mentioned herein, Police Officer Kevin P. Dempsey was on duty and assigned to work as a marked patrol unit known as "3-F-2" (three-Frank-two);
- (c) During this assignment, Police Officer Kevin P. Dempsey was required to wear the uniform of the San Francisco Police Department;
- (d) As a police officer of the City and County of San Francisco, Police Officer Kevin P. Dempsey was required to know and adhere to the Rules and Procedures of the San Francisco Police Department;



- (e) On Monday, January 26, 1981, during the early morning hours, Officer Dempsey went to the vicinity of the bandstand in the Golden Gate Park and met a marked patrol unit from Central Station;
- (f) The Central Station patrol car was occupied by two police officers and one civilian;
- (g) Officer Dempsey removed the civilian from the Central Police Station Patrol car and struck and kicked him about the head, shoulders and body, thereby causing bruises and contusions;
- (h) The above conduct, in striking and kicking a person without justification or provocation brings discredit upon the San Francisco Police Department and constitutes a violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department which states:

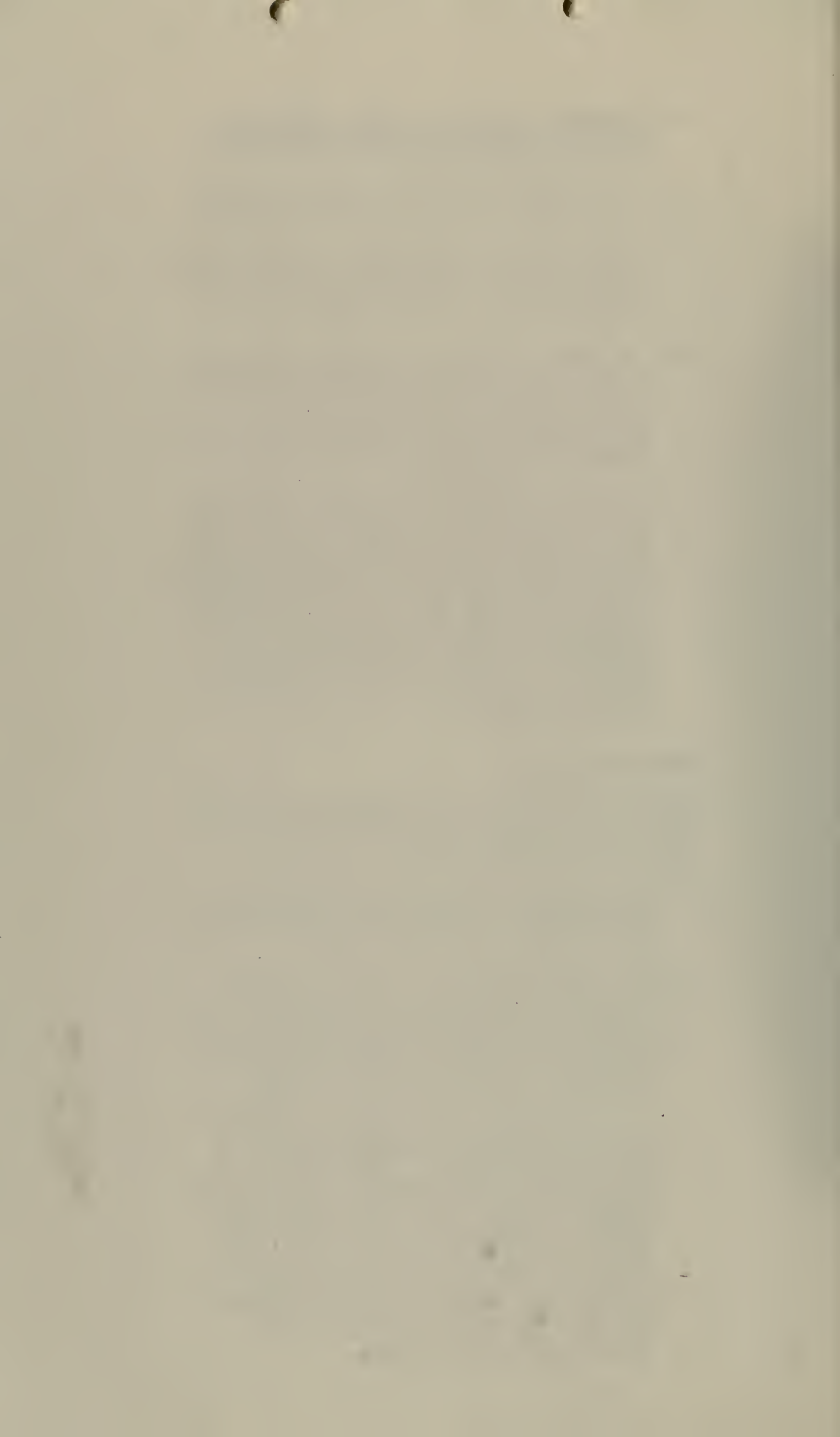
2.13 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

- (a) Each and every allegation contained in paragraphs (a) through (i) of Specification No. 1 is hereby incorporated by reference as though fully set forth herein;
- (b) The above referred to conduct, in striking and kicking a person without legal justification constitutes a violation of the law of the State of California and is a violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department, which states that a member:

2.03 "Shall at all times while on duty preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways. While off duty, a member shall take all reasonable steps consistent with Rule 7.12 to preserve the peace, prevent crime, detect and arrest offenders and enforce all criminal laws, penal ordinances and all laws and ordinances regulating vehicular and pedestrian traffic and travel upon public highways."



SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and procedures of the San Francisco Police Department);

- (a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 is hereby incorporated by reference as though each were fully set forth herein;
- (b) Prior to the above incorporated allegations Officer Dempsey had received a communication informing him or by which a reasonable person would have been informed that the above mentioned civilian had been forcibly abducted from the street in violation of the law;
- (c) Officer Dempsey failed to communicate this abduction either verbally or in written form to his commanding officer;
- (d) The failure to make a written report to his commanding officer of a crime or other occurrence of a police nature constitutes conduct in violation of Section 2.16 of the Rules and Procedures of the San Francisco Police Department which states that a member:

2.61 "Shall , whether on or off duty, make written report to his commanding officer of any crime or other occurrences of a police nature, which comes to his attention and which has not already received the attention of some other member."

SPECIFICATION NO. 4

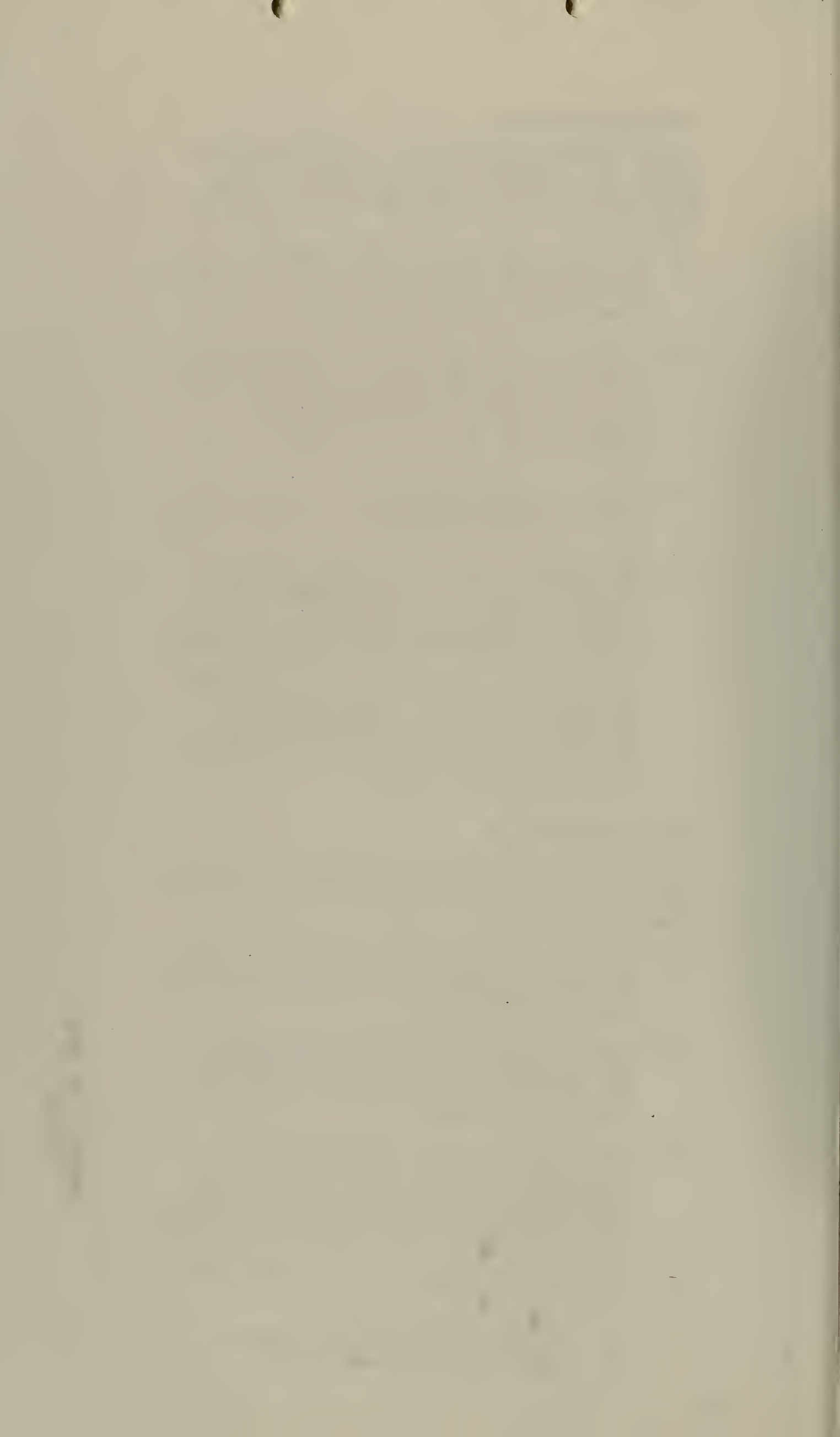
Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

- (a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 is hereby incorporated by reference as though fully set forth herein;
- (b) Prior to the above incorporated allegations Officer Dempsey returned to Park Station and changed from his uniform to civilian attire and then proceeded to the bandstand area out of uniform;
- (c) This conduct in not wearing the proper uniform when assigned to a patrol car and failing to carry out his patrol duties constitutes a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department which states that a member:

9.29 "Shall not leave his beat, detail or assignment, EXCEPT:

- .1 Performance of police duty.
- .2 Orders or permission of a superior.
- .3 Absolute personal necessity."

and



WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Monday, July 23, 1984; Tuesday, August 14, 1984; Thursday, August 23, 1984; Thursday, September 13, 1984, Thursday, November 15, 1984 and Thursday, January 10, 1985, and that on Thursday, January 10, 1985, the matter was submitted to the Police Commission for decision; and

WHEREAS, Mr. Stephen B. Bley, Attorney for Officer Kevin Dempsey, stipulated that The Commission make a finding that Specification No. 4 be sustained and the Department moved to dismiss Specifications No. 1, No. 2, and No. 3; and

WHEREAS, the Police Commission finds that the said charges made and served against Police Officer Kevin P. Dempsey, Support Services Bureau/Communications Division, as contained in Specification No. 1, violation of Section 2.13; Specification No. 2, violation of Section 2.03; and Specification No. 3, violation of Section 2.61, of General Order D-1 of the San Francisco Police Department are dismissed as The Police Commission finds that there are no basis to proceed with the charges of Specifications No. 1, No. 2, No. 3, and Specification No. 4 is sustained; therefore be it

RESOLVED, that it is the Order of the Police Commission that 22 days suspension, with credit for time served, from Thursday February 12, 1981, 0001 hours to Thursday, March 12, 1981, 2400 hours, as penalty for violation of Section 9.29 of Specification No. 4, on which Attorney's for the Officer's stipulated a plea that Specification No. 4 be sustained, be, and the same is hereby approved.

(The Entire Proceedings were taken in Short-hand Form by Ms. Linda Pransky, CSR.)

Recess taken during the Hearing of Officer Dempsey:

3:34 p.m. to 3:58 p.m.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE KEVIN P. DEMPSEY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION - (D-2)

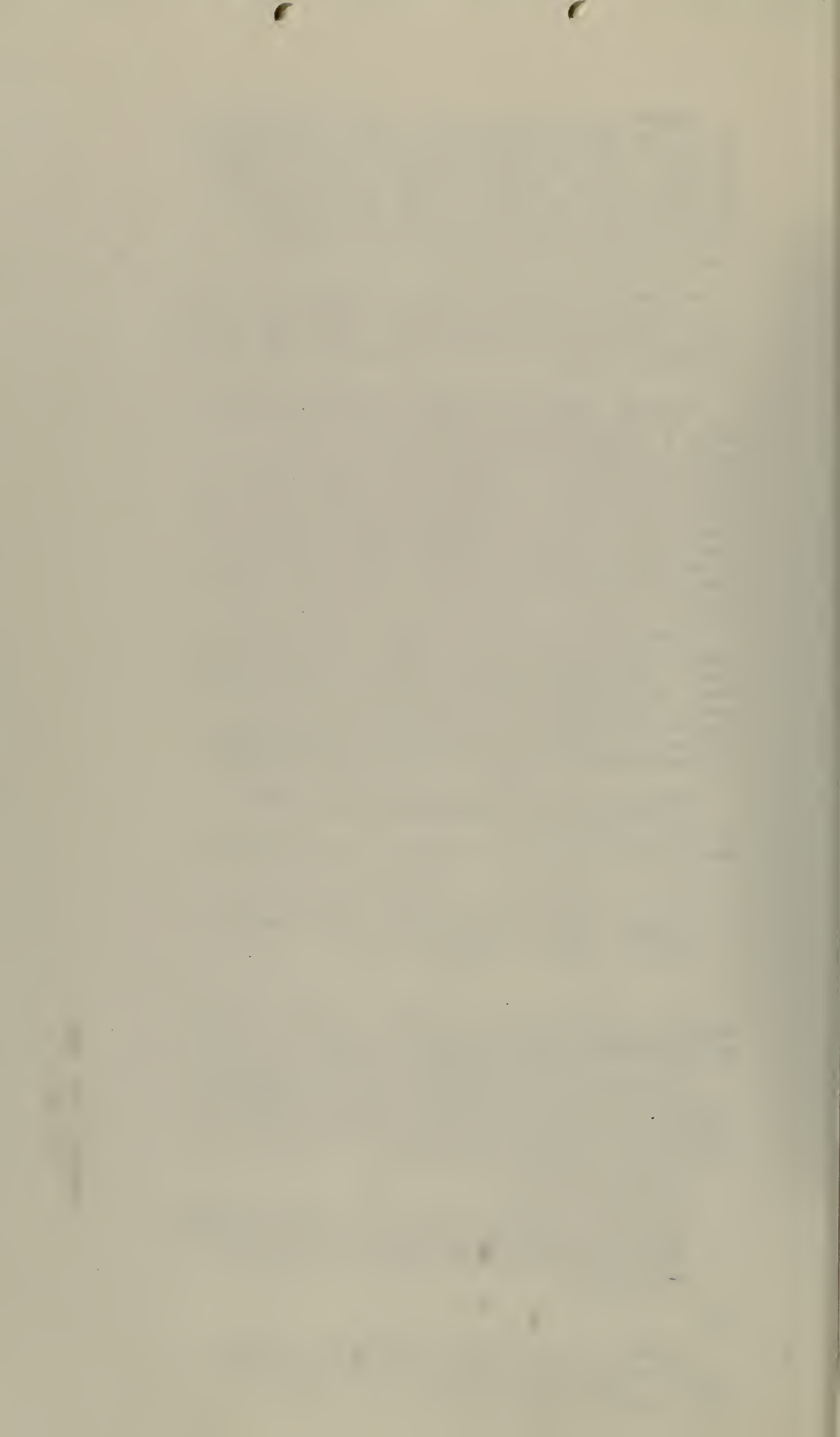
The Hearing of Police Officer Kevin P. Dempsey, Support Services Bureau/Communications Bureau, was called it having been set for this date. Police Officer Kevin Dempsey was charges with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion questions propounded (a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy moved that the charges made and filed against Officer Kevin P. Dempsey on December 3, 1983, be carried off-calendar; therefore be it



RESOLVED, that the charges filed against Officer Kevin P. Dempsey, Support Services Bureau/Communications Division, of violating Rule A-21 of General Order D-1 of the San Francisco Police Department, is continued off-calendar by Order of The Police Commission.

AYES: Commissioners Hsieh, Nelder, Sanchez
 ABSENT: Commissioners Daly, Toler

10 JANUARY 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on thursday, January 10, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Toler, Hsieh, Nelder, Sanchez
 ABSENT: Commissioner Daly

Commissioner David Sanchez presiding.

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACEY,
 CENTRAL POLICE DISTRICT

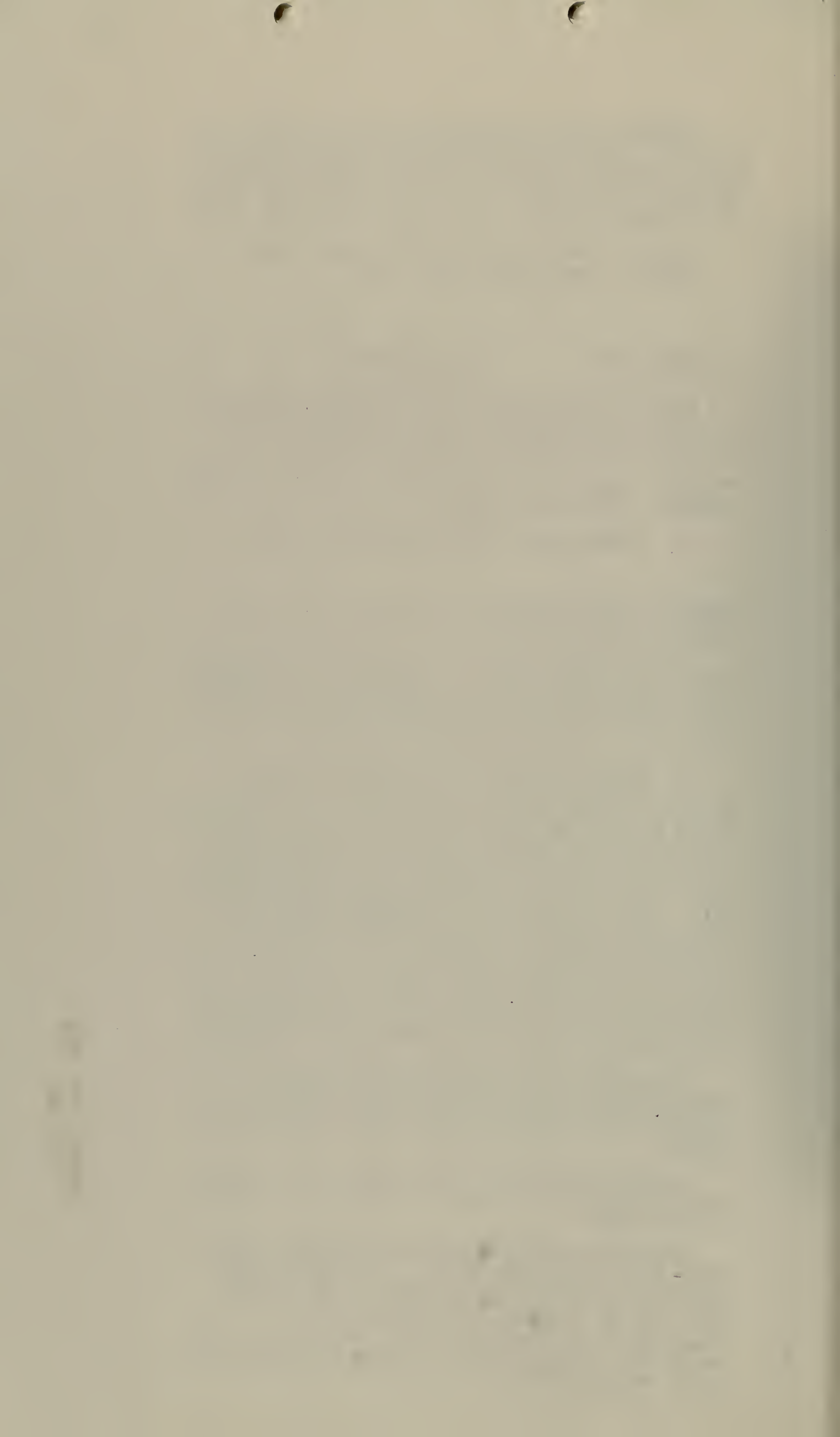
Attorney Jerry Akins, of the San Francisco Police Department's Legal Office, on behalf of Mr. Michael Gash, also an Attorney for the Department, requested a continuance of this item as Attorney Gash is ill and unable to be here tonight to proceed

Ms. Johnell Biancalana, Attorney for Patrol Special Officer Ralph C. Lacey, Central Police District, stated that she would like to again object to the prosecution's motion to continue this item and request that the Police Commission please dismiss this case in the interest of justice. She said that Officer Lacey has been severely prejudiced by this point. She said the first hearing was september 19, 1983. She said thereafter, the Department's Legal Office, has each time is appeared on calendar, requested a continuance every single time. She said she could not help Mr. Gash's being ill and this matter has been going on for almost two years. She said it was partially heard in May of 1984 and she could not see as to how her client could receive a fair hearing because of the intervening time factor.

Commissioner David Sanchez said The Commission would take Ms. Biancalana's objection under consideration. He said at this point there is a request by the Department to continue this matter to March?

Commissioner Thomas Hsieh said he felt this has been delayed a long time and that counsel's comment it well taken.

Commissioner Sanchez said Attorney Jerry Akins shall contact Attorney Michael Gash tomorrow and thereafter counsels can get together and schedule this hearing as soon as possible. He said in the mean time The Commission will look at Ms. Biancalana's objection and render a decision. The matter was then continued to a later date which has yet to be determined.



APPROVAL OF MINUTES OF THE MEETINGS OF DECEMBER 6th
AND DECEMBER 13, 1984

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 72-85

LUXOR CABS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cabs in the sum of \$1,405.52 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 27, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 73-85

ABC TOWING (COHEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Cohen) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 74-85

ABC TOWING (WASHINGTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Washington) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 75-85

ABC TOWING (YOON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Yoon) in the sum of \$63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 76-85ELLEN COMERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellen Comery in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 77-85SHELIA M. DUNDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shelia M. Dundon in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 78-85JAMES FINCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Finch in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 79-85MICHAEL FLAHERTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Flaherty in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1984

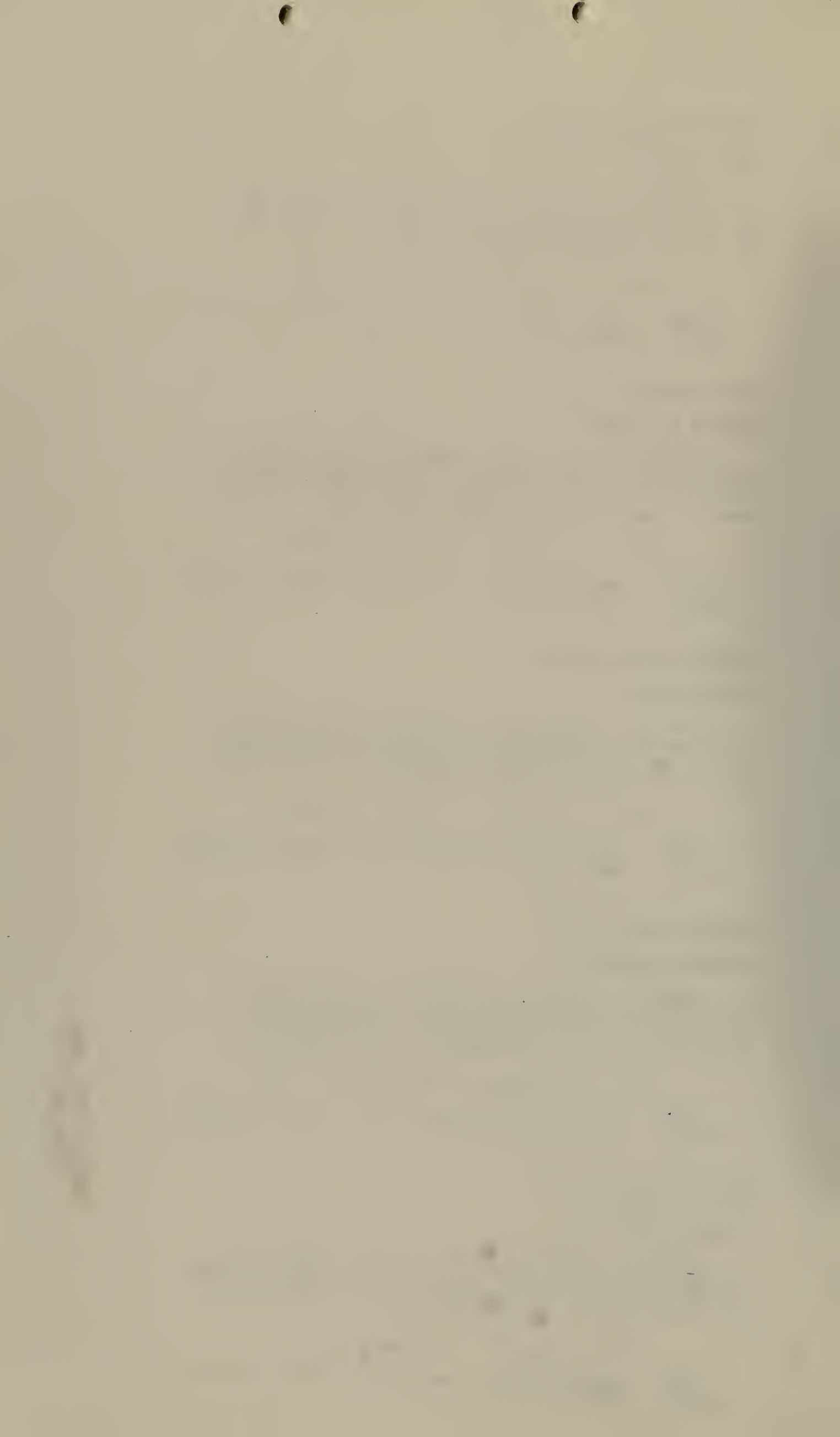
AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 80-85JOHN A MONTE, III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John A. Monte in the sum of \$46.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 81-85

EVA KATALIN SCHICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eva Katalin Schick in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 82-85

SUSAN SELF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Self in the sum of \$57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 83-85

DONICA M. SHISLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donica Shisler in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 84-85

PATRICE SOVYAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrice Sovyak in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

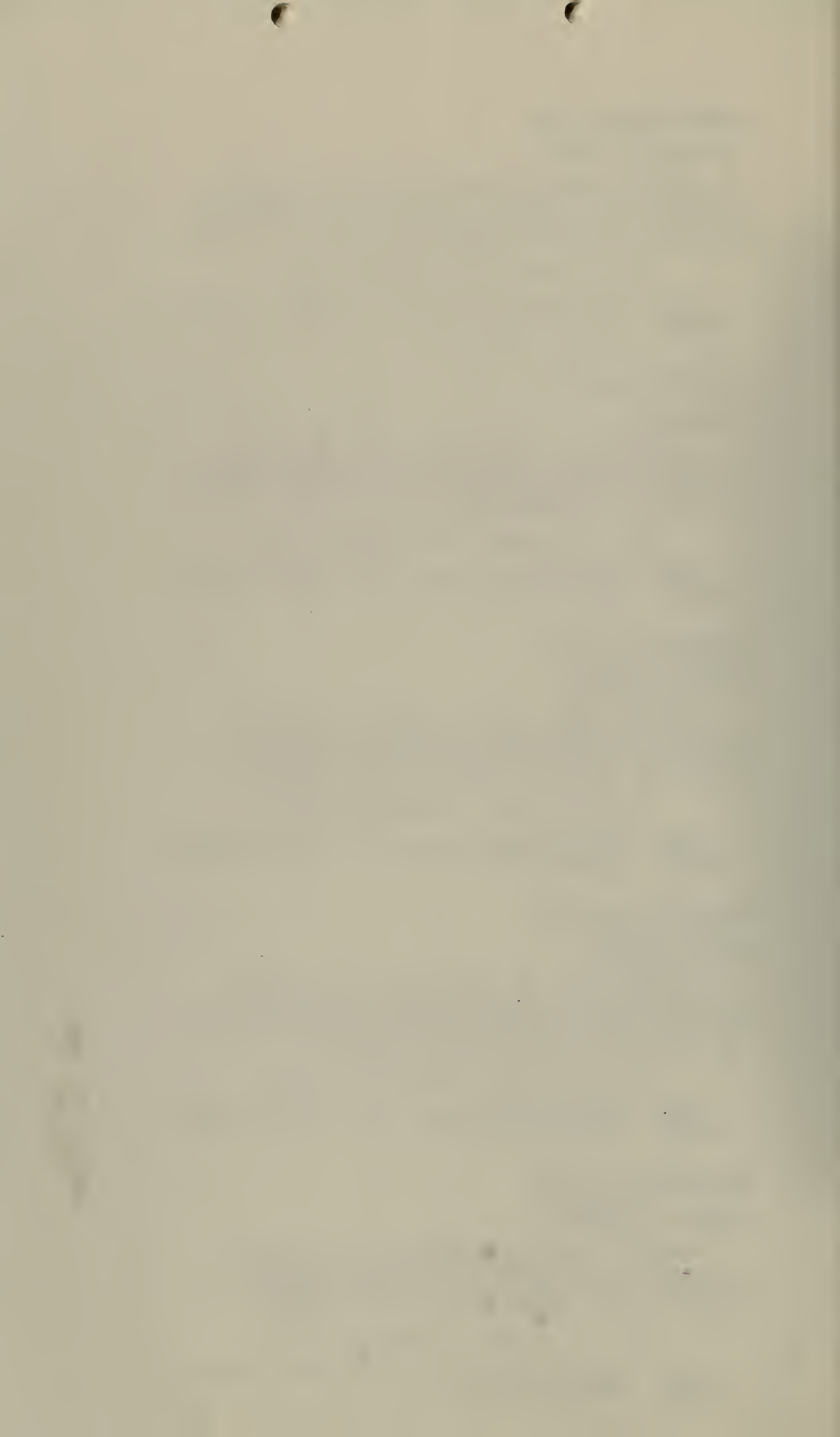
RESOLUTION NO. 85-85

DANIEL B. STEINBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Steinberg in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 61-85LOREN MEISNNER, Jr. vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the judgement made for settlement of litigation of Loren Meisnner, Jr. in the sum of \$24,210.00 in San Francisco Superior Court No. 762-396 entitled "Loren Meisnner, Jr. vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1979

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 86-85

RESOLVED, that the Traveling Expense Coucher submitted by Attorney Rea E. Puccinelli, Legal Division, in the sum of \$43.00 Refund to the San Francisco Police Department for an overpayment for expenses incurred in attending the CPOA Legal Advisors Committee Meeting in Newport Beach on December 13, 1984, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 87-85

RESOLVED, that the Traveling Expense Voucher submitted by Inspector Joseph F. Kennedy, Auto Detail, in the amount of \$132.00 for expenses incurred in attending the Fire/Arson Investigation course in Emmittsburg, Maryland from December 10th to December 21, 1984, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

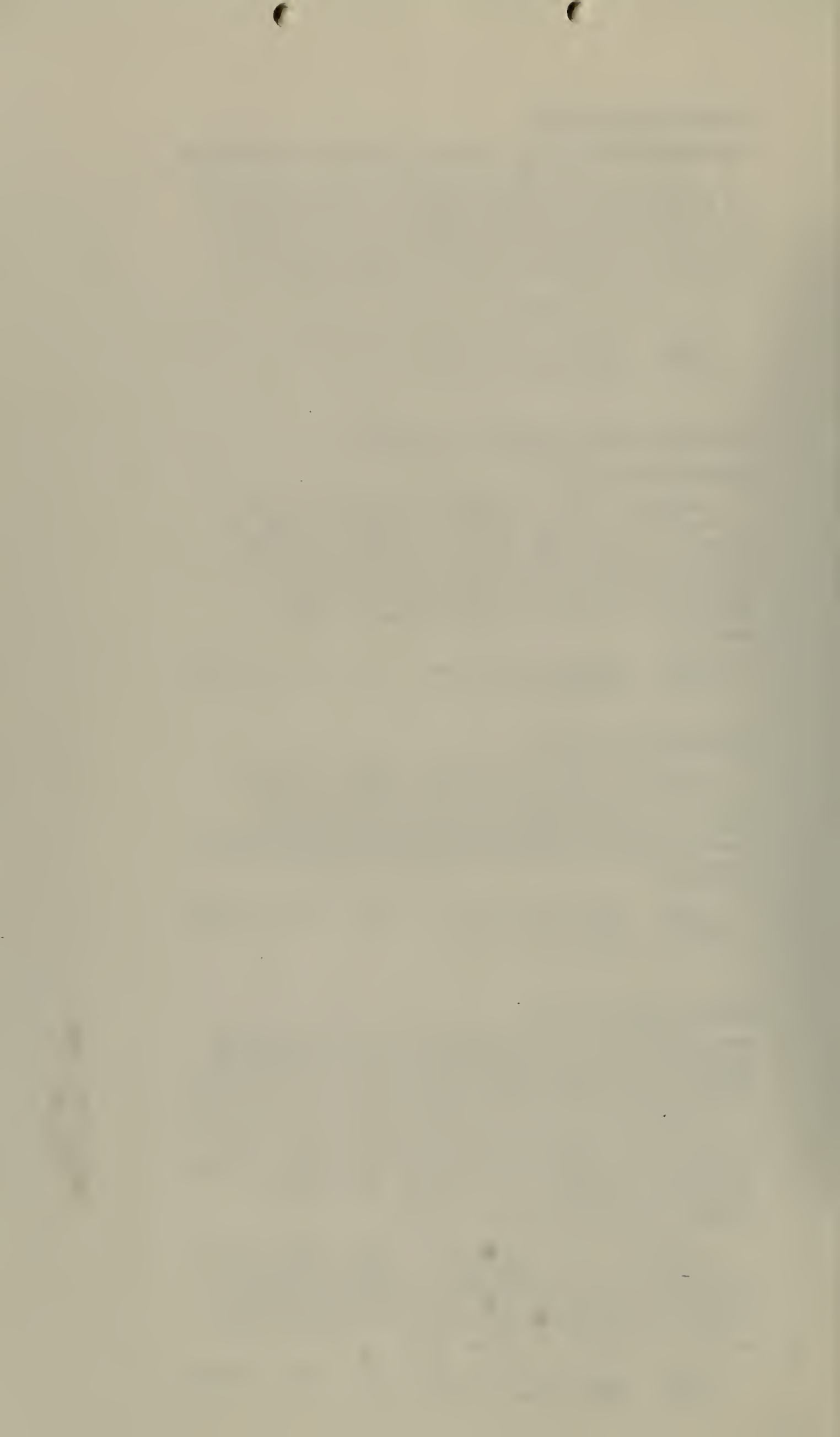
RESOLUTION NO. 88-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT WILLIAM WELCH, TACTICAL DIVISION, BE AUTHORIZED TO ATTEND THE FBI NATIONAL ACADEMY IN QUANTICO, VIRGINIA FROM JANUARY 6th TO MARCH 22, 1985

RESOLVED, that the recommendation of the Chief of Police that Sergeant William Welch, Tactical Division, be authorized to attend the Federal Bureau of Investigation National Academy in Quantico, Virginia from January 6th to March 22, 1985, is hereby approved; and be it further

RESOLVED, that although all travel expenses will be paid by the U.S. Department of Justice, it is requested that Sergeant Welch be advanced \$800.00 from the Department Training Fund for the purchase of required training materials and to supplement the minimal allowance for subsistence.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 89-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT DONALD P. CARLSON, ADMINISTRATION BUREAU, BE AUTHORIZED TO ATTEND THE TRAINING MANAGEMENT COURSE IN SANTA ROSA FROM JANUARY 21st to JANUARY 25, 1985

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Donald Carlson, Administration Bureau, be authorized to attend the Training Management Course, conducted by the Justice Training Institute in Santa Rosa, from January 21st to January 25, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$653.45 for tuition, meals and lodging will be reimbursed by P.O.S.T.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

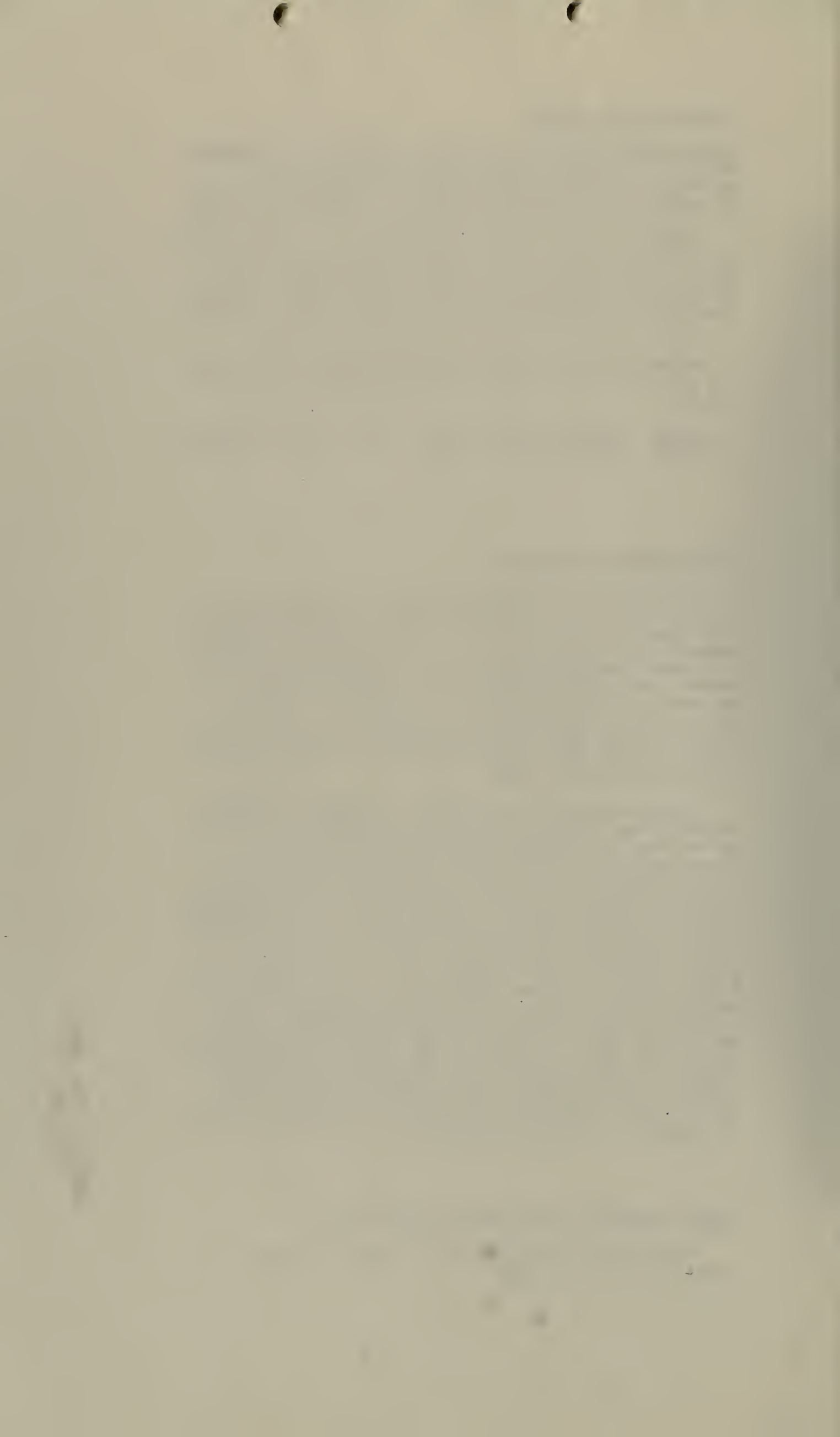
POLICE COMMISSION REPORT

Commissioner Thomas Hsieh said he would like to discuss the status of The Commission's "My Favorite Cop" Program. He said the Department has received hundreds of nominations or in other words nominations for more than 100 officers for this particular award. He said the first presentation will be made on January 23rd which will be another two weeks away. He said the Program will honor two officers and each will receive a cash award of \$1,000.00. He said, so hopefully, The Commission will have a very fine event at that time.

Commissioner David Sanchez, speaking on another subject, said that he had the very fine opportunity to welcome the 159th graduating class of the Department's Academy last night along with guest speaker Supervisor Carol Ruth Silver. He said the Class was exceptional and there was a great deal of enthusiasm and support by the families. He said the overall presentation was well done. He continued by saying that he would like to see all of those graduating able to complete the Field Training Officer (FTO) Program, which has not been the record, but he did offer them hope and encouragement and on behalf of The Commission, congratulated them and their families. He said he also told them that The Commission looks forward to efforts to perform in the highest standards which The Police Commission has articulated throughout the implementation of the Chief's Orders and of the Rules and Procedures of the San Francisco Police Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report for The Commission at this time.



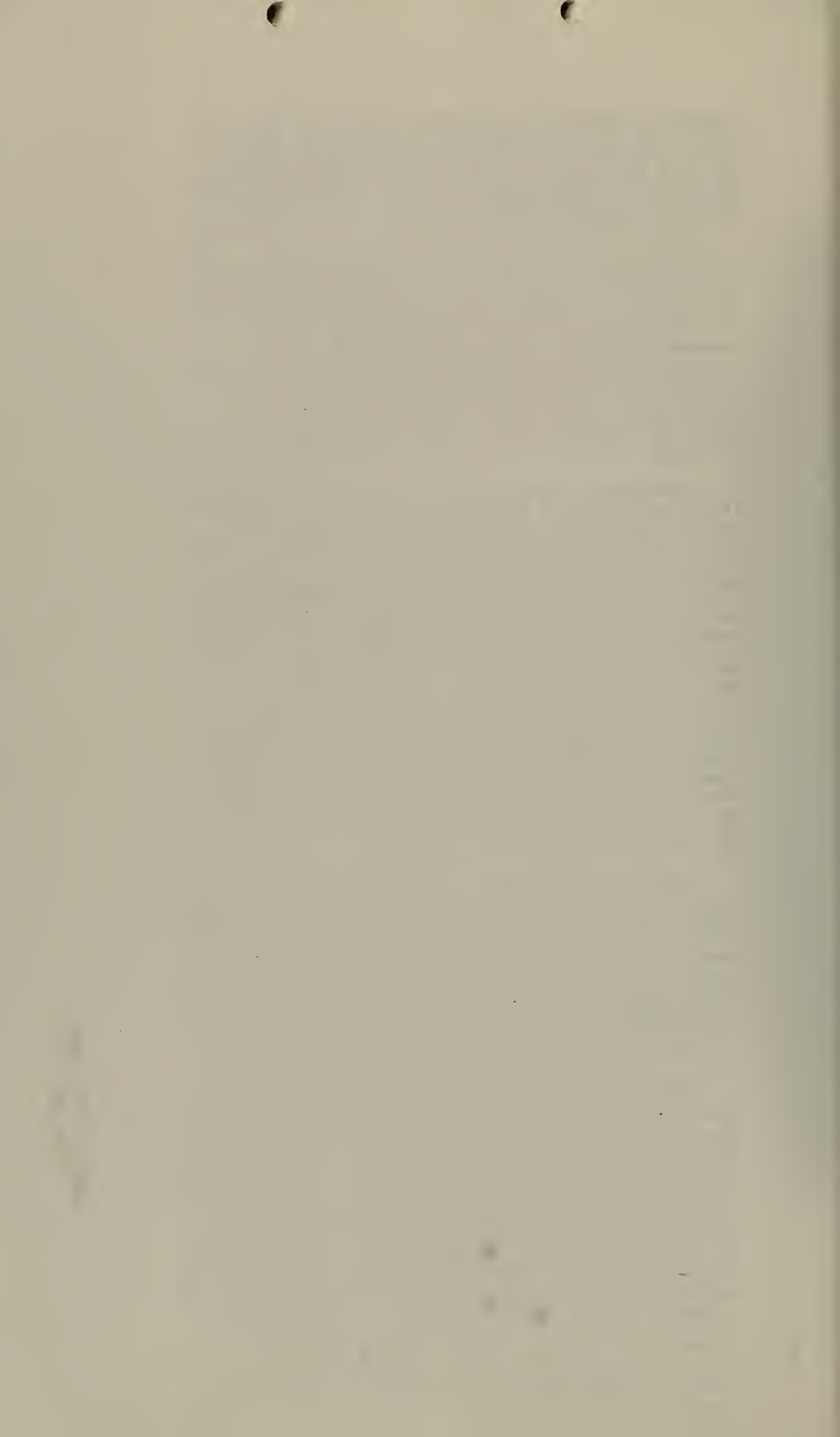
REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION ALLOWING THE CHIEF OF POLICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF PUBLIC HEALTH WHICH WOULD PERMIT INSTITUTIONAL POLICE OFFICERS FROM THE HEALTH DEPARTMENT TO MAKE ARREST AS PEACE OFFICERS RATHER THAN AS A PRIVATE CITIZEN

Lieutenant Edmund Pecinovsky informed The Commission that a couple of years ago Chief of Police Cornelius P. Murphy, directed that he and members of Dr. Silverman's Staff seek legislation to amend the California Penal Code which would allow this Memorandum Of Understanding (MOU) with the San Francisco Police department to take place. He said the document which have been presented to The Commissioners is enabling legislation to allow Institutional Police Officers to have the arrest powers of a peace officer without being actual peace officers.

Commissioner David Sanchez said that he wanted to thank the Staff for working on this matter as down at San Francisco General Hospital and Laguna Honda Hospital there has been various problems dealing with security, training, accreditation and other police matters. He said he feels that this will prove to be one of the most meaningful innovations as far as security for San Francisco General and Laguna Honda Hospitals. He said it also provides an opportunity for those San Francisco Institutional Police Officers who will have arrest powers to participate in the Department's programs and to ensure that they, in fact, do know the Rules and Procedures and that investigations will be conducted by the San Francisco Police Department and not by San Francisco General or Laguna Honda Officers. He said on behalf of The Commission he wished to thank the Chief and Staff for resolving this matter in a very constructive manner and will better serve the citizens of San Francisco by providing them with some high quality security service at both those institutions.

Commissioner Thomas Hsieh said he had some concerns about these officers and the possibility of their having different standards to follow than those of the regular Officers of the San Francisco Police department and also their coming under a different complaint and disciplinary process. He said the public somewhere down the line may not be able to distinguish the difference and The Police Commission and the Department may be blamed for whatever problems these institutional police may cause.

Chief of Police, Cornelius P. Murphy, in responding to Commissioner Hsieh's concerns stated that he had sent Captain Willis Casey of the Police Department's Planning and Research Division to San Francisco General Hospital to make a survey of those officers and as a result he said the findings were that they should not be Institutional Police but they should be Institutional Security Officers as there is a very distinct difference in what they are doing. He said they are not Police Officers and they should not see themselves as police officers. He said as long as they have that conception of themselves, the work of a security officers goes begging and thus the problems arise. He said they are a security force only but that did not mean they could not have the powers of arrest of a police officer while they are on duty, but, he said, they should not conceive of themselves as being police officers but only as security officers and that is the only way he would accept it.



Commissioner David Sanchez then advised the Chief that by The Commission's motion tonight the Chief would have the latitude to further review this Memorandum Of Understanding, discuss and bring it back to The Commission if it needs further work and if not it would be effective as of this date.

Commissioner Alfred Nelder then moved for approval, it was seconded by Commissioner Burl Toler and unanimously approved.

RESOLUTION NO. 50-85

MEMORANDUM OF UNDERSTANDING WITH DEPARTMENT OF PUBLIC HEALTH

WHEREAS, The Police Commission supports the concept that Institutional Police Officers from San Francisco General Hospital and Laguna Honda Hospital should be able to make arrest as peace officers; therefore be it

RESOLVED, That The Police Commission does authorize the Chief of Police to enter into a Memorandum Of Understanding with Department of Public Health to implement the provision of Penal Code Section 830.7(c).

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

POLICE OFFICER MARTHA D. FABIANI, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 5-85

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Martha D. Fabiani, Support Services Bureau/Communications Division, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which tends to reflect discredit on the Department and the members of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

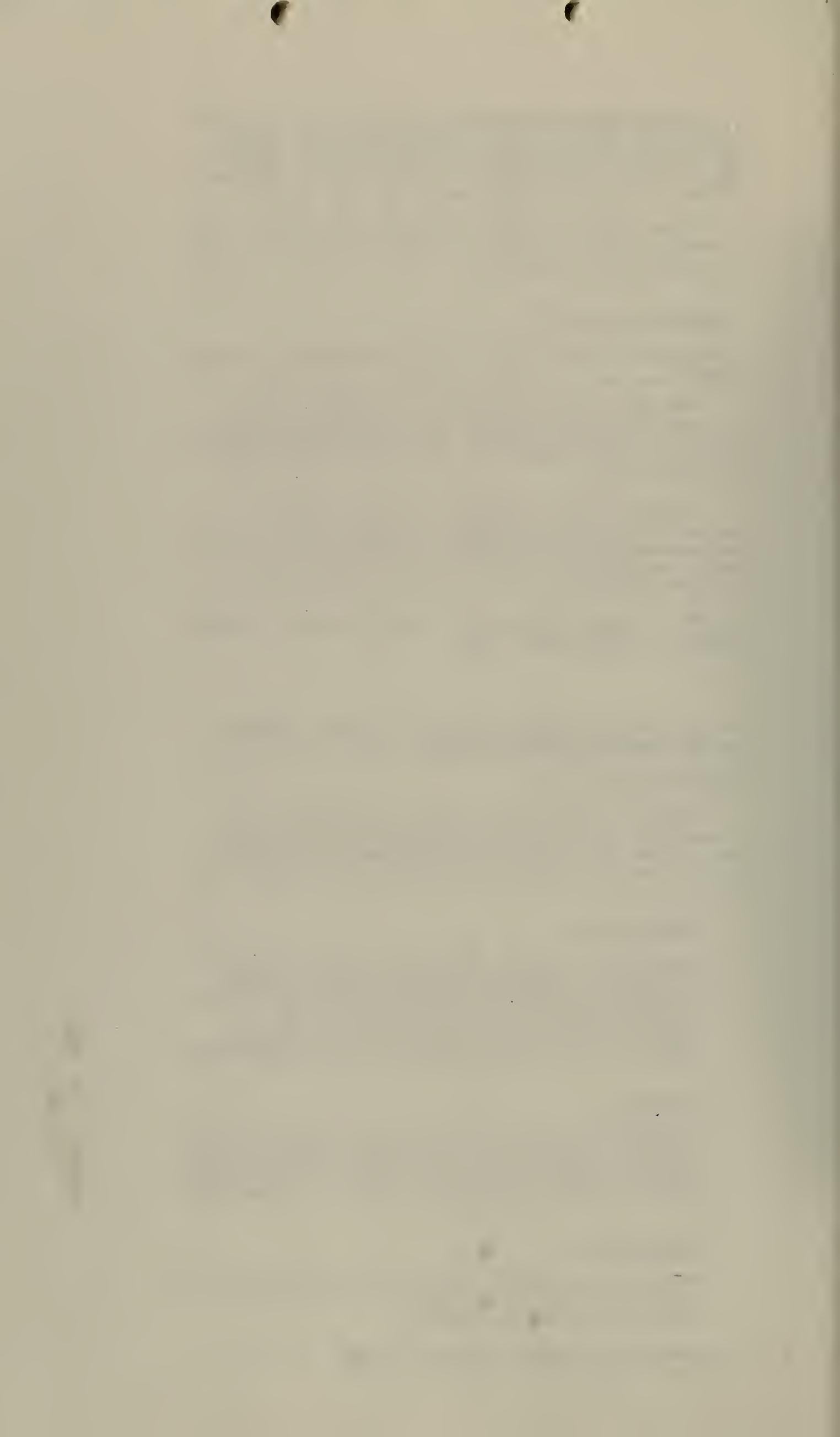
CHARGE NO.

Attempting to use her official position to secure personal privileges or avoid the consequences of illegal conduct (violation of Rule B-7 of General Order D-1 of the San Francisco Police Department);

CHARGE NO: 3

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

by Cornelius P. Murphy, Chief of Police of the San Francisco Department; therefore be it



RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Martha D. Fabiani, Support Services Bureau/Communications Division, is set for Thursday, January 10, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

POLICE OFFICER MICHAEL D. McCARTHY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 6-85

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael D. McCarthy, Support Services Bureau/Communications Division, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order efficiency, and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael D. McCarthy, Support Services Bureau/Communications Division, is set for Thursday, January 10, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

POLICE OFFICER CORBETT F. DICKEY, PARK STATION

RESOLUTION NO. 48-85

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Corbett F. Dickey, Park Station, as follows:

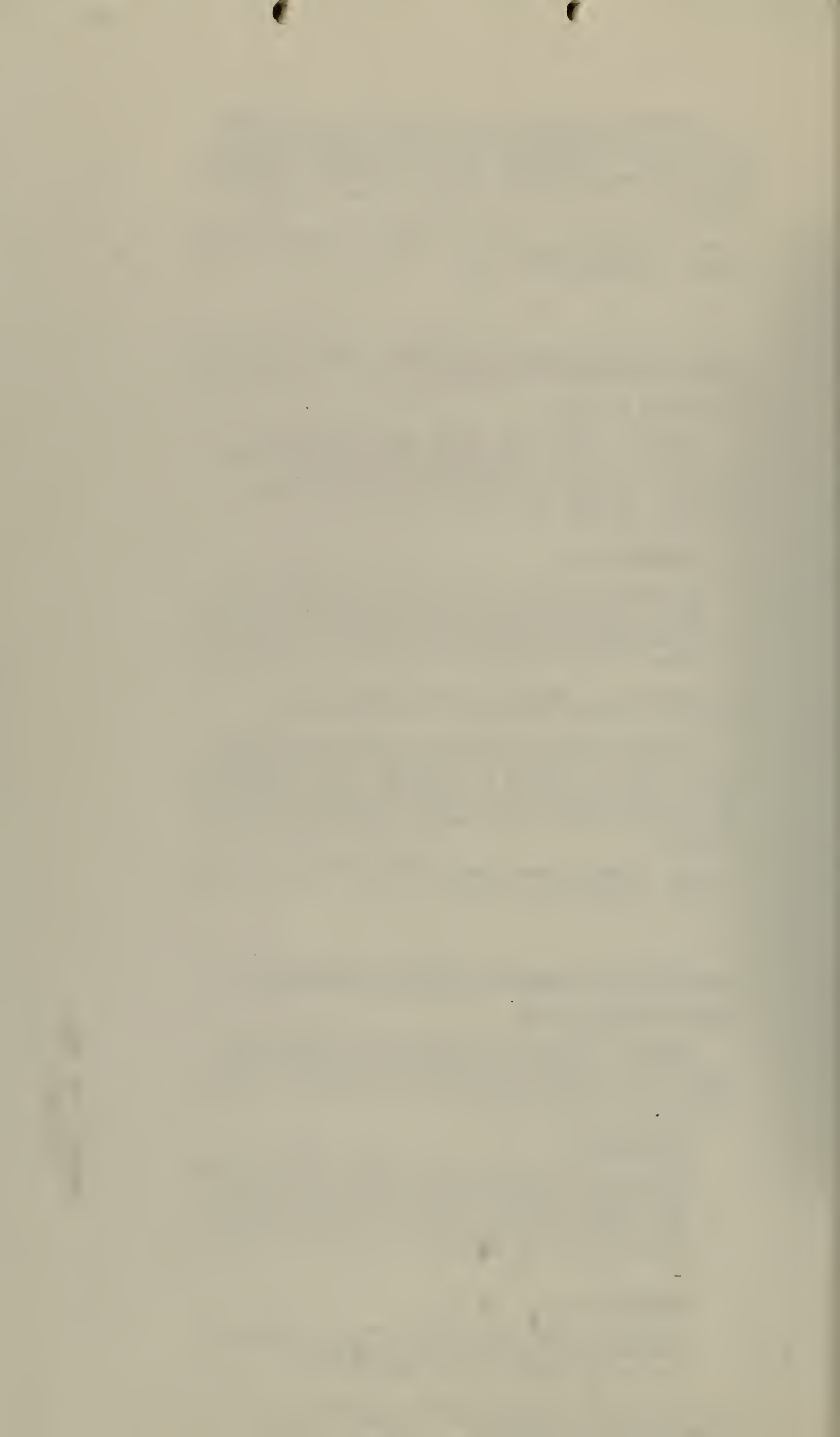
CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it



RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Corbett Dickey, Park Station, is set for Thursday, January 17, 1985 at 1730 Hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

REQUEST OF THE CHIEF OF POLICE FOR THE IMMEDIATE FILLING OF A VACATED POSITION OF Q-80 CAPTAIN

RESOLUTION NO. 49-85

IMMEDIATE FILLING OF VACATED POSITION OF Q-80 CAPTAIN

WHEREAS, one member of the San Francisco Police Department has retired from the position of Q-80 Captain of Police; and

WHEREAS, to fill this position before the accumulated sick leave and vacation time are paid requires a resolution of the Board of Supervisors; and


WHEREAS, this procedure is authorized by the Annual Appropriations Ordinance, Section 10, Subsection 1; therefore be it

RESOLVED, that the Police Commission does hereby request that the Mayor and the Director of Personnel of Civil Service recommend to the Board of Supervisors, the adoption of the attached resolution; and be it further

RESOLVED, that The Police Commission request that the Board of Supervisors adopt the attached Resolution authorizing the immediate filling of the vacancy in the position of Q-80 Captain of Police.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

THE MEETING WAS THEN ADJOURNED AT 1815 HOURS



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



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17 JANUARY 1985EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers Room 512, Hall of Justice, 850 Bryant Street, on Thursday, January 17, 1985 at 1700 hours in an Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
Sanchez

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

DOCUMENTS DEPT.

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17 JANUARY 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 17, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
Sanchez

Commissioner David Sanchez presiding.

APPROVAL OF MINUTES OF THE DECEMBER 20, 1984 MEETINGAPPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 63-85TIMOTHY POINTES vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the judgement made for settlement of litigation of Timothy Pointes in the sum of \$6,373.21 in San Francisco Superior Court No. 800-503 entitles "Timothy Pointes vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 26, 1982

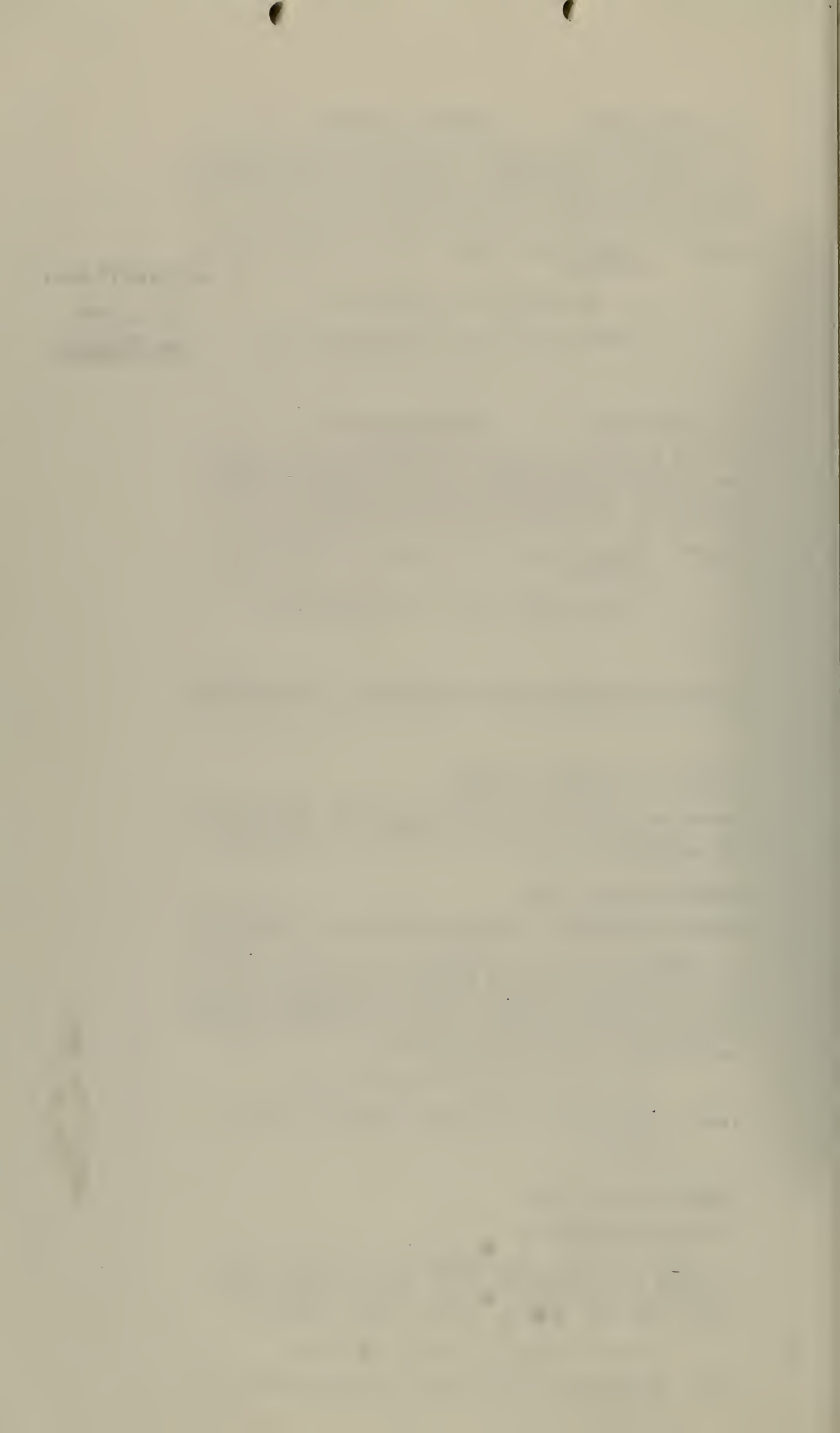
AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 90-85ABC TOWING (FABBRI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fabbri) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez



RESOLUTION NO. 91-85

NORMAN HAWLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Hawley in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 92-85

CHARLES J. WRIGHT, Jr.

RESOLVED, that the recommendation of the City attorney for settlement of the claim of Charles J. Wright, Jr. in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 93-85

WILLIAM E. WILLIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Willis in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 94-85

THOMAS SANCIMINO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Sancimino in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

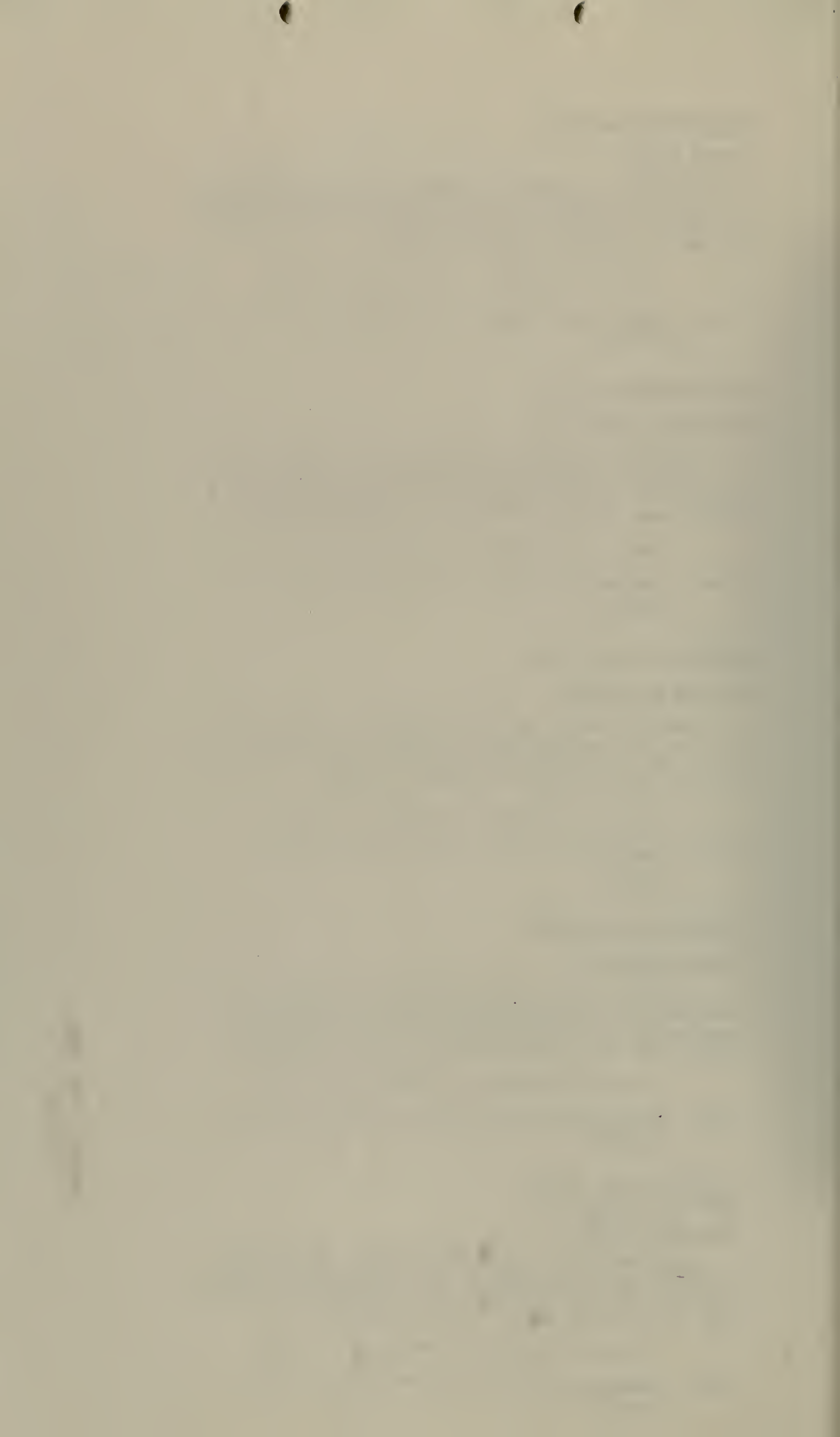
RESOLUTION NO. 95-85

MARY ANNE PRYOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Anne Pryor in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez



RESOLUTION NO. 96-85MATHEW PORKOLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mathew Porkola in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 97-85DAVID E. POOLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Poole in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 98-85WAYNE A. MORRIS

RESOLVED, that the recommendation of the city attorney for settlement of the claim of Wayne Morris in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 23, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 99-85MARCIA MICHAELS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marcia Michaels in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 11, 1984

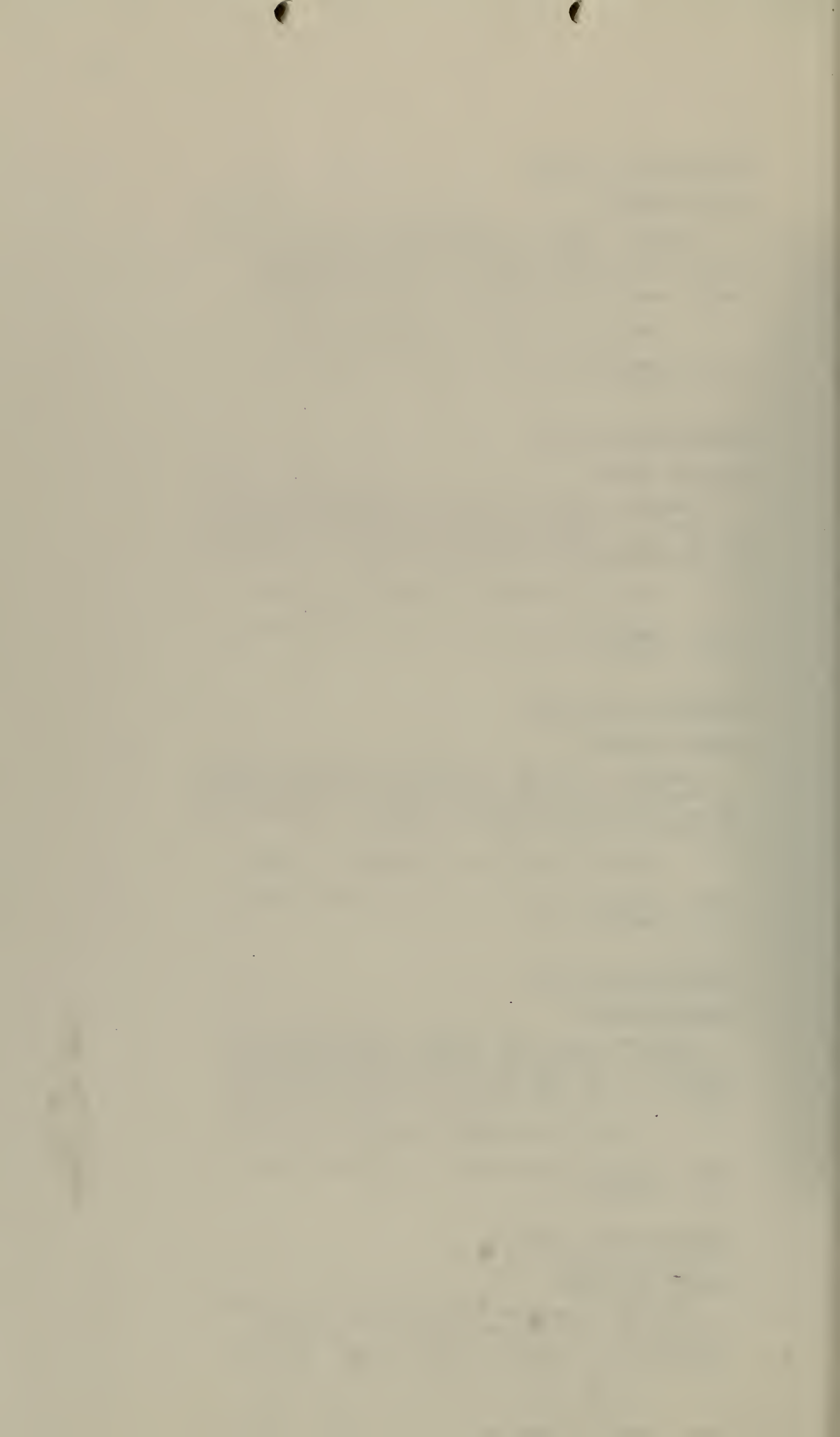
AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 100-85ROBERT CASTAGNERI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Castagneri in the sum of \$99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez



RESOLUTION NO. 101-85

MARK BAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Baker in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 102-85

ELEANOR SUE ARCENEUX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eleanor Arceneaux in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 103-85

ABC TOWING (MIXON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mixon) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 104-85

ABC TOWING (KREIDLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kreidler) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

RESOLUTION NO. 105-85

ABC TOWING (ARAULTO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Araulito) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez



ommendation of the City
the claim of Jameo
.25 as the result of a
me is hereby approved.

November 9, 1984

, Toler, Hsieh, Nelder,

ommendation of the City
of the claim of Janet
34.50 as the result of a
same is hereby approved.

at: December 21, 1984

y, Toler, Hsieh, Nelder,

ommendation of the City
of the claim of Joyce
of \$53.25 as the result of a
e same is hereby approved.

ent: November 6, 1984

aly, Toler, Hsieh, Nelder,

CHER - APPROVED

Traveling Expense Voucher
ant Lawrence Gurnett in the sum
ses incurred in attending the
vestigation National Academy in
rom September 30th to December
e same is hereby approved.

; Daly, Toler, Hsieh, Nelder,

RESOLUTION NO. 110-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR CORNELIUS NICHOLS, JUVENILE DIVISION, BE AUTHORIZED TO ATTEND THE JUVENILE LAW ENFORCEMENT OFFICERS' TRAINING COURSE IN SACRAMENTO FROM FEBRUARY 3rd TO FEBRUARY 8, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspector Cornelius Nichols, Juvenile Division, be authorized to attend the Juvenile Law Enforcement Officers' Training Course, conducted by the California Youth Authority in Sacramento from February 3rd to February 8, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$607.65 for tuition, subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 111-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTORS PATRICK O'SHEA AND ROBERT PACO, HIT AND RUN DETAIL, BE AUTHORIZED TO ATTEND THE ADVANCED ACCIDENT INVESTIGATION/RECONSTRUCTION COURSE FROM JANUARY 28th TO FEBRUARY 8, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Patrick O'Shea and Robert Paco, Hit and Run Section, be authorized to attend the Advanced Accident Investigation/Reconstruction Course, conducted by the Northern California Criminal Justice Training and Education System in Sacramento from January 28th to February 8, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$1,204.65 each, for tuition, subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 112-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTORS BARRY JOHNSON AND ARMOND PELISSETTI, INVESTIGATION BUREAU/ROBBERY DETAIL, BE AUTHORIZED TO ATTEND THE 13th ANNUAL CALIFORNIA ROBBERY INVESTIGATORS ASSOCIATION TRAINING SEMINAR IN LAS VEGAS, NEVADA FROM FEBRUARY 6th TO FEBRUARY 8, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Barry Johnson and Armond Pelissetti, Investigations Bureau/Robbery Detail, be authorized to attend the 13th Annual California Robbery Investigators Association Training Seminar, conducted by the California Robbery Investigators association in Las Vegas, Nevada from February 6th to February 8, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$490.00 each for tuition, travel and subsistence will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

report for this Meeting.

COMMISSION

no report for this

INVESTIGATIVE HEARING RULES
COMPLAINTS

supervisor Harry Britt's
clarification as to the
said it was their
discussion on the
will be held until the
available. He said he
(for Britt and himself)
could say at this point,
very concerned about what
but he would return.

He thanked him for his
next speaker to come forth.
is waiting and has been
saying that his opinion will
in two weeks and as such
Commission's public agenda item

addressed The Commission and
San Francisco Bar
extremely interested in
proactive rules and await with
attorney's Opinion. He
hopes it will be forth
Commission will be able to
his whole procedure going.
When the Rules are before The
Commission.

SAN FRANCISCO POLICE DEPARTMENT
A RE-ORGANIZATIONAL
PLAN FOR THE PATROL FORCE INTO
A ROUND THE CLOCK COMMAND

James P. Murphy said the
requesting a continuance of
to get together with the San
Police Association and resolve a
the language contained in

Mr. Murphy said he would move for a
It was seconded by
unanimously approved.

PUBLIC HEARING RELATIVE TO PUBLIC CONVENIENCE AND
NECESSITY REGARDING THE ISSUANCE OF SIGHTSEEING BUS
PERMITS (CONTINUED FROM MEETING OF 09/06/84)

Officer Farrell Suslow of the Permits Section advised the Commissioners that this matter was a continuation from the hearing in September 1984, and at that time The Commission put the matter over to await results of legislation before the Board of Supervisors regarding pedi-cabs. He said that particular legislation has now been tabled by the Board indefinitely. He said to that end, the Department is recommending, based on the applications and statements made by the applicants, that public convenience and necessity does not exist for the issuance of new and additional sightseeing busses.

Commissioner David Sanchez said that in lieu of other interpretations pertaining to the jitneys, this recommendation would comply with the full intent of Proposition "K" by declaration having had the applicants make statements for issuance and of those against it.

Commissioner Burl Toler then moved that The Commission accept the Department's recommendation. it was seconded by Commissioner Jo Daly.

Commissioner Sanchez then asked for comments from those in the audience. Mr. Yossedek Desta approached The Commission and stated that he was an applicant for a sightseeing permit using a motorized rickshaw and wanted to know from Officer Suslow if the Department's recommendation included that permit.

Officer Farrell Suslow returned and stated that it did.

Mr. Desta then stated that at the last hearing when he was before The Commission he had proved that there was need and necessity. He said he wanted to remind The Commission once again that there is only one person who has such permits. He said he has quoted Proposition "K", Section 1a, which outlines that a business should operate under the free enterprise system. He said if The Commission is saying that the situation is such that there is no need for competition He would like The Commission to explain to him what the definition of the free enterprise system is according to The Commission's own definition.

Commissioner David Sanchez then thanked Mr. Desta for his comments and again had Officer Suslow explain to Mr. Desta the public hearings that included the comments pertaining to the expansion of the Rickshaw areas, and, accordingly, the department is recommending that there is no need as far as Public Convenience is concerned for issuance of additional Rickshaw and/or Sightseeing Bus Permits.

Officer Farrell Suslow, in acknowledging the correctness of that fact pointed out that what Mr. Desta is applying for on his application is, and he has stated he is applying for a Motorized Rickshaw, and under the definition of the codes the type of vehicle which he has submitted a brochure on is not a Motorized Rickshaw which does not affect his application other than the fact that it would have a different name to it as it would be a standard sightseeing vehicle. He said it is not a motorized rickshaw as the code requires that it be an official Gin Rickshaw as traditionally used in the Orient.

He said they have pictures if The Commission would like to review them which are from the Encyclopedia and what now exists. He said what Mr. Desta wants to use appears to be more like a Golf Cart. However, he said, it did not affect his application he is still permitted to apply and do the same thing it would just be under a different name. He said the Department reviewed all the testimony from the September Hearings and it is the Department's position that the applicants have not proven Public Convenience and Necessity where the burden is upon them to do so by clear and convincing evidence as stated in Proposition "K".

After further discussion Commissioner Sanchez thanked Mr. Desta for his comments and advised him to meet with Officer Suslow after tonight's meeting and ask him what additional facts or evidence Mr. Desta may present at The Commission's next Public convenience and Necessity Hearing given the criteria and other information he has heard this evening. The Commission then voted unanimously to deny the issuance of additional sightseeing bus permits.

RESOLUTION NO. 116-85

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUSES

WHEREAS, each of the below-named persons applied to The Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a sightseeing bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before The Police Commission of the City and County of San Francisco on Thursday, September 6, 1984; and

WHEREAS, police department staff, after survey of prevailing conditions and activities of sightseeing bus operations, testified in opposition to the granting of additional permits and evidence in support of this position was presented to The Commission; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of The Commission to deny additional sightseeing bus permits; and be it further

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

PRIVETT, Roy L	COLLINS, Thomas J
CLUTTON, Robert	SHARABI, Ariel A
FELSO, Dennis P	BUTTERY, HUGH C
GRIDLEY, Arnold S	DESTA, Yossedek M
EICHLER, Thomas	CALVO, Tony M
DALPE, Guy R	

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE A RESOLUTION WHICH WILL BE FORWARDED TO THE CLERK OF THE BOARD OF SUPERVISORS REQUESTING PASSAGE OF A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE REGARDING THE SETTLEMENT OF CLAIMS AND LITIGATIONS IN EXCESS OF \$7,500 WITHOUT APPROVAL OF THE BOARD OF SUPERVISORS

Deputy Chief Kevin Mullen of Staff Services, requested that The Commission continue the matter for one week to give the Administration time to study the item further.

Commissioner Alfred Nelder said he would move for a one week continuance, it was seconded by Commissioner Burl Toler and unanimously approved.

SETTING OF DATE FOR HEARING OF OFFICER CORBETT F. DICKEY, PARK STATION

RESOLUTION NO. 57-85

WHEREAS, the date to be set for the hearing of the disciplinary charges filed against Police Officer Corbett F. Dickey, Park Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for February 7, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Corbett Dickey, Park Station, is set for Thursday, February 7, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF POLICE OFFICER DAVID RIOS, CENTRAL STATION

RESOLUTION NO. 58-85

The Hearing of Police Officer David Rios, Central Station, was called it having been set for this date. Police Officer David Rios was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy, requests that the charges be withdrawn as it has been handled administratively; therefore be it

RESOLVED, that it is the Order of The Police Commission that the Charges made and filed against Police Officer David Rios, are hereby continued off calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF OFFICER NICANOR E. GUERRA, RICHMOND STATION

Mr. William Beirne, Attorney at Law, appeared with his client Police Officer Nicanor Guerra and Mr. Jerry Akins, Attorney at Law, appearing on behalf of the San Francisco Police Department, stated that yesterday Officer Guerra was sentenced. Attorney Akins continued by saying that The Commission hearing in this matter was continued from December 11th for finality purposes only, to this date. He said he would assume that the Court's Judgement will be final within 30 days from yesterday now that Officer Guerra has been sentenced. He said at that point the collateral estoppel of Res Ajudicata effect of the Jury's Verdict will then attach to the judgement for purposes of this administrative hearing in terms of finding the facts that were necessarily determined at Officer Guerra's criminal trial. He said that for that reason he would ask that The Commission hold this over for 30 days.

Commissioner Alfred Nelder then asked if all the evidence had been submitted in the Administrative Hearing of this matter and Attorney William Beirne stated that it had not.

Attorney Beirne said that he had four witnesses that he would want to call depending on final judgement of the criminal court.

Attorney Jerry Akins said to clear up any misunderstanding, Attorney Beirne is saying that if The Commission has to go ahead with this hearing before the 30 day final judgement period that then he would want to put on witnesses. After the 30 day period he would be stopped, first of all on the basis of putting on factual witnesses and second, a final conviction would be likely to bar Officer Guerra from being a peace officer.

Chief of Police Cornelius P. Murphy then said his only concern at this point would be to have Officer Guerra sign a leave of absence for another 30 days.

Commissioner Thomas Hsieh then moved for the continuance and Commissioner Jo Daly seconded. It was then approved by Commissioners Hsieh, Daly and Nelder who were the only three Commissioners to hear this case in chief.

RESOLUTION NO. 56-85

HEARING OF OFFICER NICANOR E. GUERRA, RICHMOND STATION

WHEREAS, the matter of the hearing of Officer Nicanor E. Guerra, Richmond Station, was called it having been continued from the meeting of November 19, 1984; and

WHEREAS, Officer Nicanor Guerra appeared in person and was represented by Mr. William T. Beirne, Attorney at Law; and

WHEREAS, Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department; and

WHEREAS, it was requested by Attorney William Beirne, that the Hearing be continued to February 21, 1985; therefore be it



RESOLVED, that the hearing of the disciplinary charges filed against Officer Nicanor Guerra, Richmond Station, is set for Thursday, February 21, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF OFFICER NIALL J. PHILPOTT, MISSION STATION

RESOLUTION NO. 54-85

The matter of the hearing of Officer Niall J. Philpott, Mission Station, was called it having been continued from the meeting of December 20, 1984.

Officer Niall Philpott, appeared in person and was represented by Mr. Stephen B. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The following witness was recalled by the Prosecution:

Mr. Bruce Lindberg 372 Richland Avenue/SF

After listening to testimony from the above party, The Commission then adjourned at 2100 hours and the matter was continued to Thursday, February 14, 1985 at 1800 hours in Room 551, Hall of Justice.

Recess taken during the Hearing of Officer Philpott:

7:33 p.m. to 7:41 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.).

AYES: Commissioners Daly, Toler, Hsieh, Sanchez
ABSENT: Commissioner Nelder

HEARING OF OFFICER SCOTT G. QUINN, MISSION STATION

The matter of the hearing of Officer Scott G. Quinn, Mission Station, was called it having been continued from the meeting of December 20, 1984.

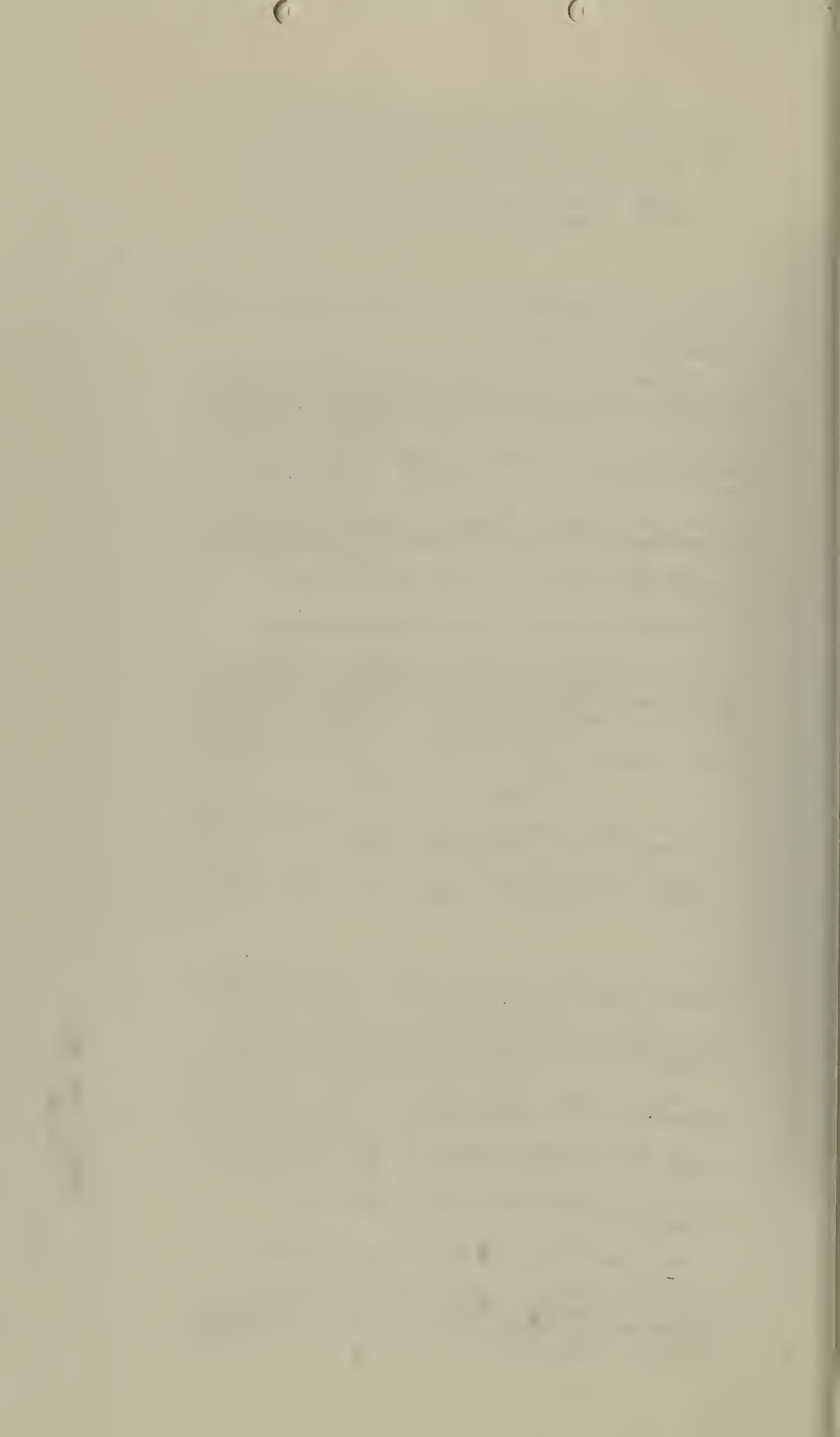
Officer Scott Quinn appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The following witness was recalled by the Prosecution:

Mr. Bruce Lindberg 372 Richland Avenue/SF

After listening to testimony from the above party, The Commission then adjourned at 2100 hours, and the matter was continued to Thursday, February 14, 1985 at 1800 hours in Room 551, Hall of Justice.




Recess taken during the Hearing of Officer Quinn:

7:33 p.m. to 7:41 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR).

THE MEETING WAS THEN ADJOURNED


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



24 JANUARY 1985

EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, January 24, 1985 at 1700 hours in an Executive Session.

PRESENT: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

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24 JANUARY 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, January 24, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

APPROVAL OF MINUTES OF THE MEETING OF JANUARY 3, 1985

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 121-85

CALIFORNIA STATE AUTO ASSOCIATION (YAN CHEN LY)

RESOLVED, that the recommendation of the City Attorney for settlement of the following claims of California State auto Association (Yan Cheng Ly) #03P76505-1, in the sum of \$960.45 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 23, 1984

AYES: Commissioners Hsieh, Toler, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 122-85

MARIE P. BURTNETT

RESOLVED, that the recommendation of the City Attorney for settlement of the following claim against Marie Burtnett in the sum of \$845.62 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 18, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 123-85DAISY LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the following claim of Daisy Lee in the sum of \$406.76 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 124-85RONALD AKERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald Akers in the sum of \$171.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 4, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 125-85NORMA T. MORRISSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norma Morrissey in the sum of \$132.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 27, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 126-85RUTH WHITTINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruth Whittington in the sum of \$99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1984

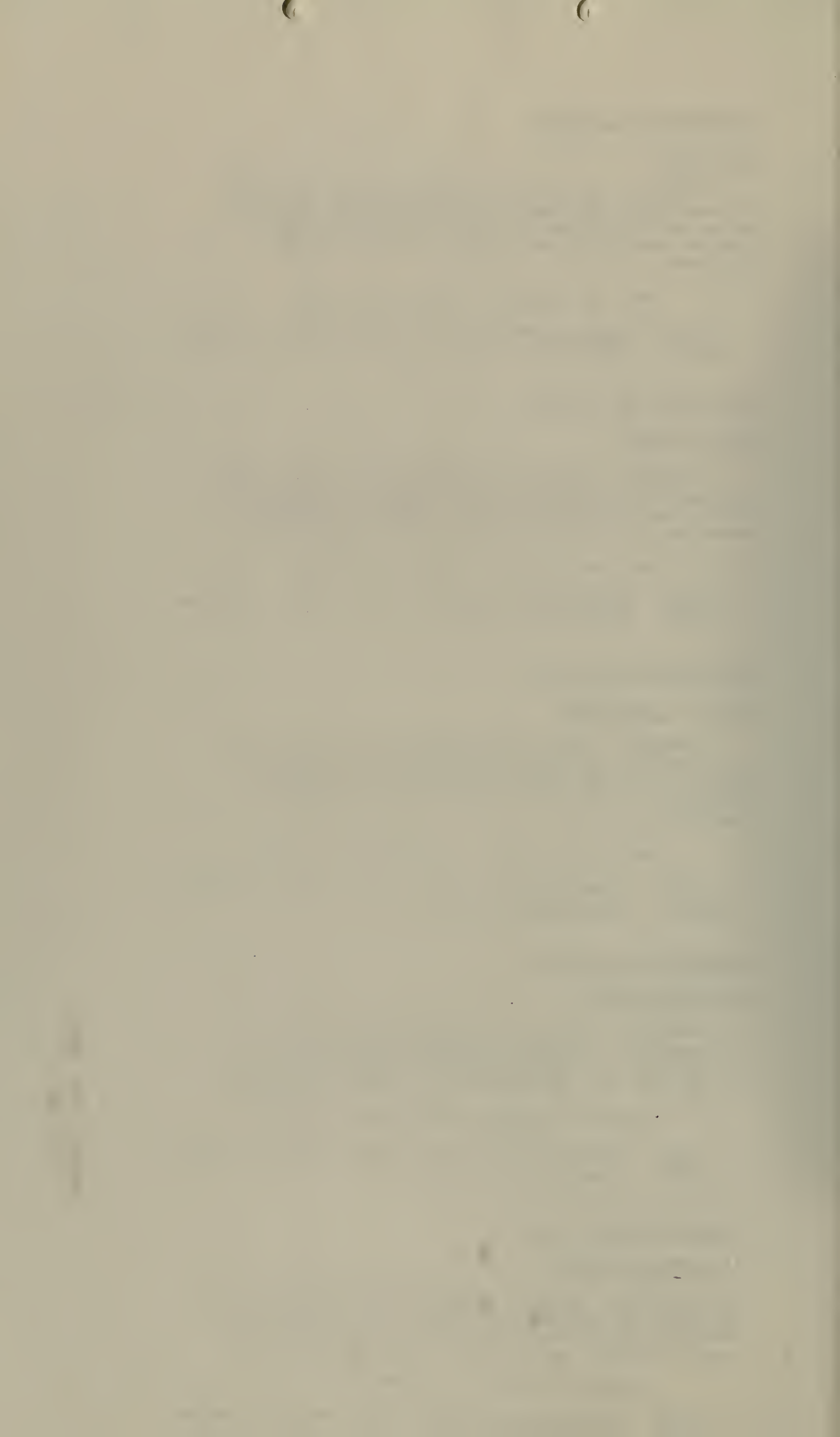
AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 127-85ABC TOWING (KELLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Keller) in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 25, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 128-85

LEONORA ARTALE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leonora Artale in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 129-85

EDDIE R. BENTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie Benton in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 31, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 130-85

ROLANDO EFRAIN MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rolando E. Martinez in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1985

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 131-85

LINDA SANDOVAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Sandoval in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

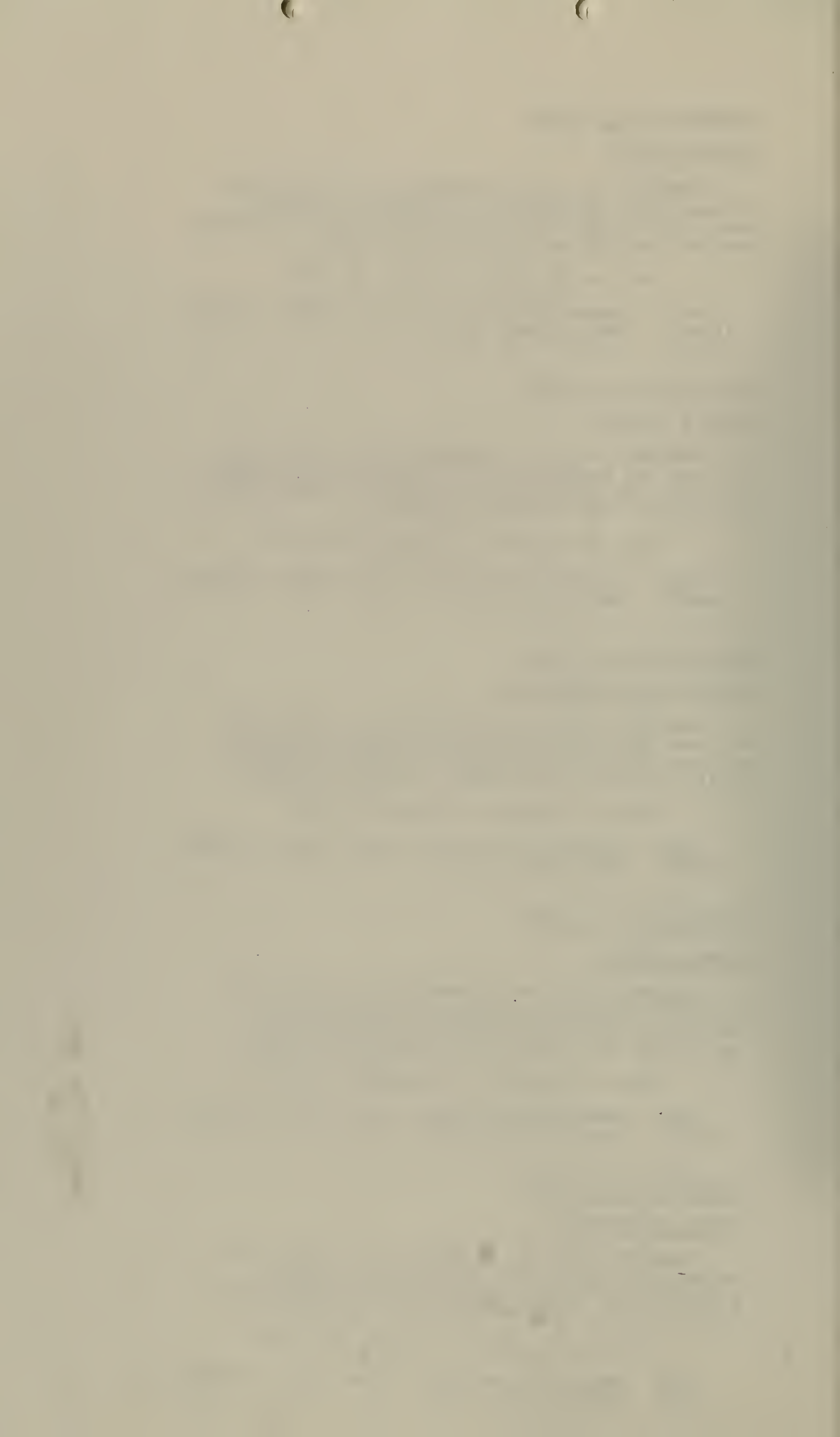
RESOLUTION NO. 132-85

EDWARD WASHINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Washington in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 133-85NORMAN M. HOWARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Howard in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1985

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 134-85JOHN B. HANNAH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Hannah in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 135-85DAVID H. KINZIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Kinzie in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1985

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 136-85DAVID MARCELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Marcelli in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 137-85CHARLES A. LETCHWORTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Letchworth in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



RESOLUTION NO. 138-85

HANS KOLBE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hans Kolbe in the sum of \$43.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 139-85

ABC TOWING (BENDER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Bender) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

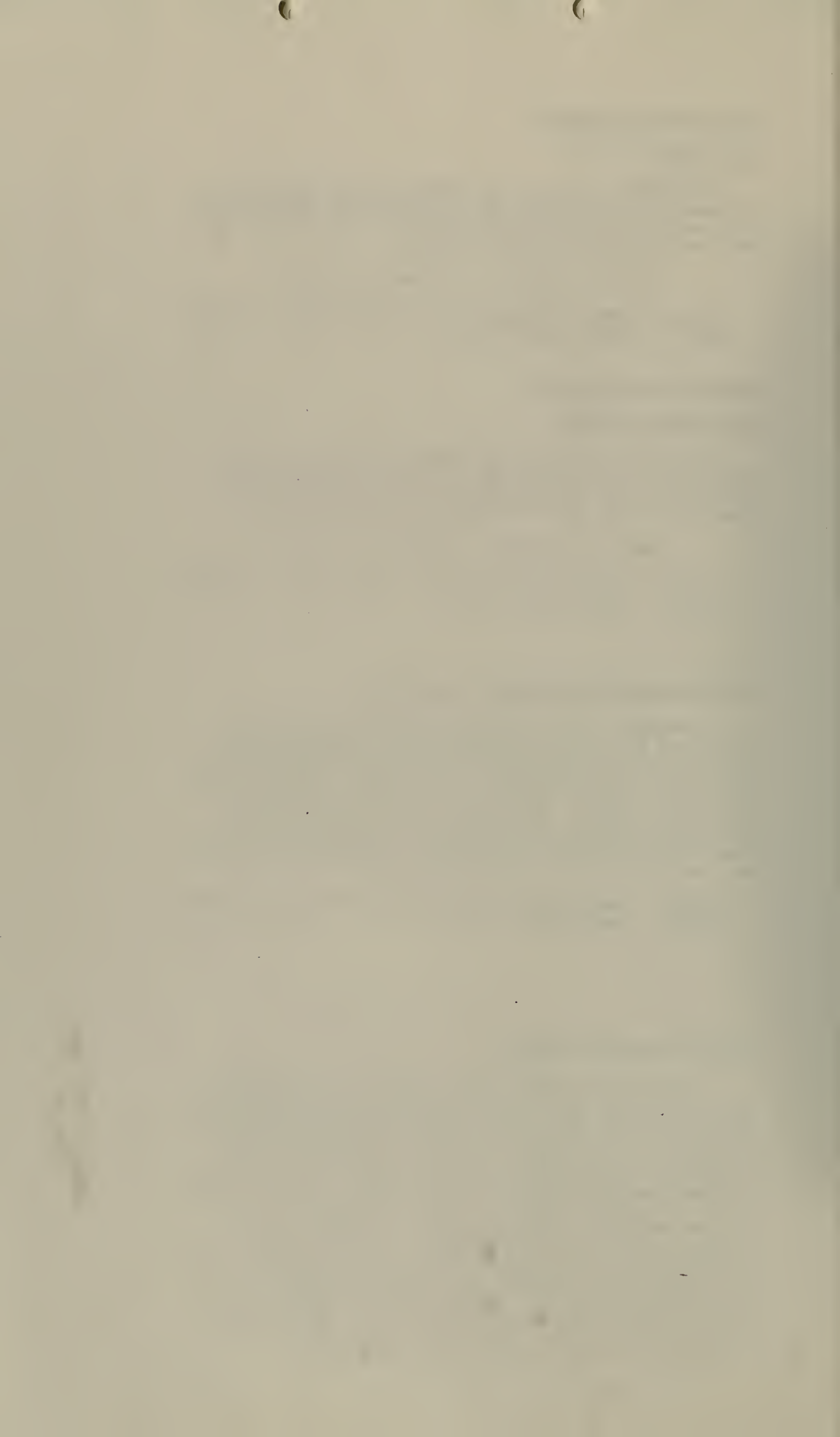
TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by Officer Thomas Parisi, in the sum of \$51.80; Officer Daniel Lawson, Officer Roy Sullivan and Officer Lawrence Ryan, in the sum of \$64.80 each; and Police Service Aide Dewayne Tully and Senior Management Analyst John Kaye, in the sum of \$51.80 each, for expenses incurred in attending the 1985 Legal Update Seminar in Hayward on December 18, 1984, be, and the same are hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

POLICE COMMISSION REPORT

Commissioner David Sanchez said that The Police Commission met in an Executive Session this afternoon under the Brown Act in an Attorney-Client Conference and no vote was taken. He said at this point The Commission would like to state once again that the department has performed with the highest degree of professionalism during the major events over the past week. He said on behalf of The Commission he wanted to congratulate all of the men and women of the Department for a job well done. He continued by saying that he would also like to thank, on behalf of The Commission, Commissioner Thomas Hsieh, who implemented the first "My Favorite Cop Award" which was held yesterday. He said it took a great deal of time and effort and Commissioner Hsieh did follow through on it and it was an excellent event.



Commissioner Thomas Hsieh said that he appreciated the thanks and that he wanted to add that The Commission is also very pleased with the Media as they made it a very, very exceptional effort to write and talk about the Program which makes it a nice change of pace.

Commissioner Alfred Nelder, on another subject, said that two weeks from tonight he would like the Field Training Office (FTO) Commanding Officer to prepare a full and complete report to The Police Commission as to the FTO operation and what training the FTO Officers receive and the entire scope and picture of the whole Field Training Officer Program.

Lieutenant Allan Mould, the Commanding Officer of the FTO Program, and who was present, re-affirmed in that he would comply that his report would include the training given to the Field Training Officers along with the operation of the Program.

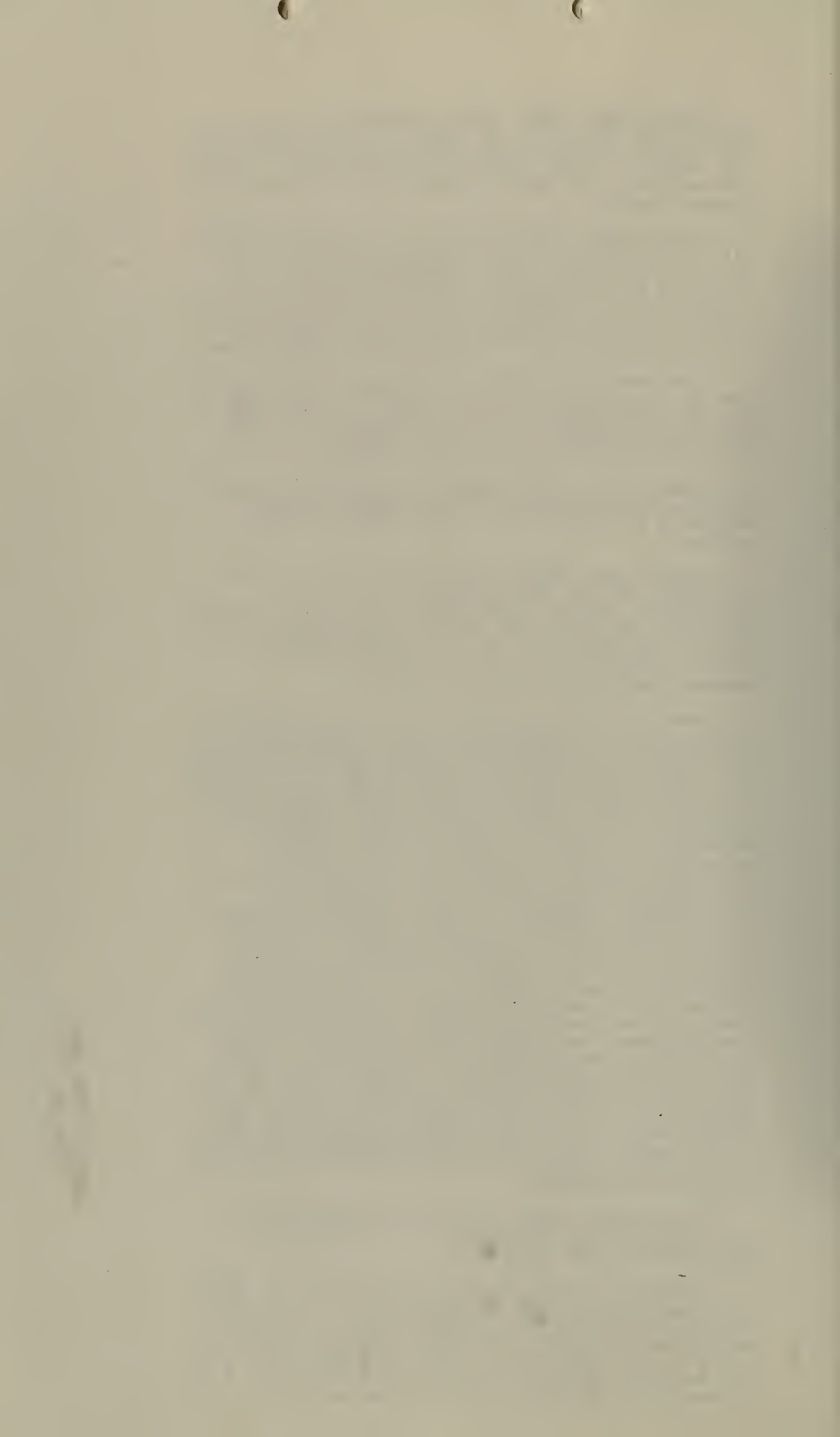
Commissioner Alfred Nelder stated that it should also include the selection of the Field Training Officer's and their tenure after they have been selected.

Commissioner Thomas Hsieh then stated that he would like to have a status report on the improvements of the Police Range as he's been advised that there has been some specific improvements on the district stations, but, he said, he would like to hear if there are any specific items that are in progress for the police pistol range.

Deputy Chief Richard Trueb of the Administration Bureau, said the request for Capitol Improvements for the Range are ongoing right now and some of the work has already been completed. He said the Police Range developed a program for maintenance and has been the recipient of more capitol improvement funding from the Department of Public Works than any other of the Department's projects. He said because of the request for possible construction funding the Department had some of the district stations put on the back burner as far as request for capitol improvements. However, he said, the department has now bifurcated its construction projects from its capitol improvement projects and are putting them forward on separate tracks so that the district stations will not be left on a side tract by being tied up with construction needs. He said he had a letter to The Commission from the Chief advising that the department was requesting to go forward on the capitol improvements and some of the cosmetic work both at Northern and Potrero stations which the Department of Public Works had ignored. He said the Range as of now is the only unit free and clear to obtain money that is allocated and encumbered. He said he would have to check with Sergeant Victor Wode of the Police Range to actually see what has been done as of this date.

Commissioner Thomas Hsieh said hopefully The Commission will be able to get a brief report which will summarize the progress.

Thereafter, Commissioner David Sanchez said that The Commission will be looking forward to receiving the report on the Field Training Officer Program two weeks from now and also a week following that, they would like to have one about the on-going training at the Academy. However, he said, first they would like to hear the report from the FTO Program first.



CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Richard Trueb of the Administration Bureau advised the Commissioners that he had a letter dated January 24th which addresses the issue of what the Department has asked for in regard to the Capitol Improvement Action by the Department of Public Works at the stations. He then presented the letter to the Commissioners. He said the only other item that he had to inform The Commission about is that the Chief has completed meeting with his staff on the San Francisco Police Department Budget and it should be ready tomorrow. He said the Commission should receive copies within the next couple of working days.

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE A RESOLUTION WHICH WILL BE FORWARDED TO THE CLERK OF THE BOARD OF SUPERVISORS REQUESTING PASSAGE OF THE PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE REGARDING THE SETTLEMENT OF CLAIMS AND LITIGATIONS IN EXCESS OF \$7,500 WITHOUT APPROVAL OF THE BOARD OF SUPERVISORS

Deputy Chief Kevin Mullen of Staff Services Division, advised the Commissioners that this item has been initiated by the Board of Supervisors to do just as stated which would amend the San Francisco Administrative Code by raising the amount for litigation of claims from \$2,500 to \$7,500. He said the Department has been asked by the City Attorney to join with a number of other departments asking the Board of Supervisors to adopt this legislation by Resolution to The Commission. He said it will speed up the process so that larger amounts can be settled without having to go to the Board and being tied up for extended periods of time there, as it is now. He said it does not in anyway effect the ability of this Commission to act in these matters.

Commissioner Alfred Nelder then moved for approval, Commissioner Burl Toler seconded and it was unanimously approved.

RESOLUTION NO. 62-85

PROPOSED AMENDMENT REGARDING THE SETTLEMENT OF CLAIMS AND LITIGATION IN EXCESS OF \$7,500 WITHOUT APPROVAL OF THE BOARD OF SUPERVISORS

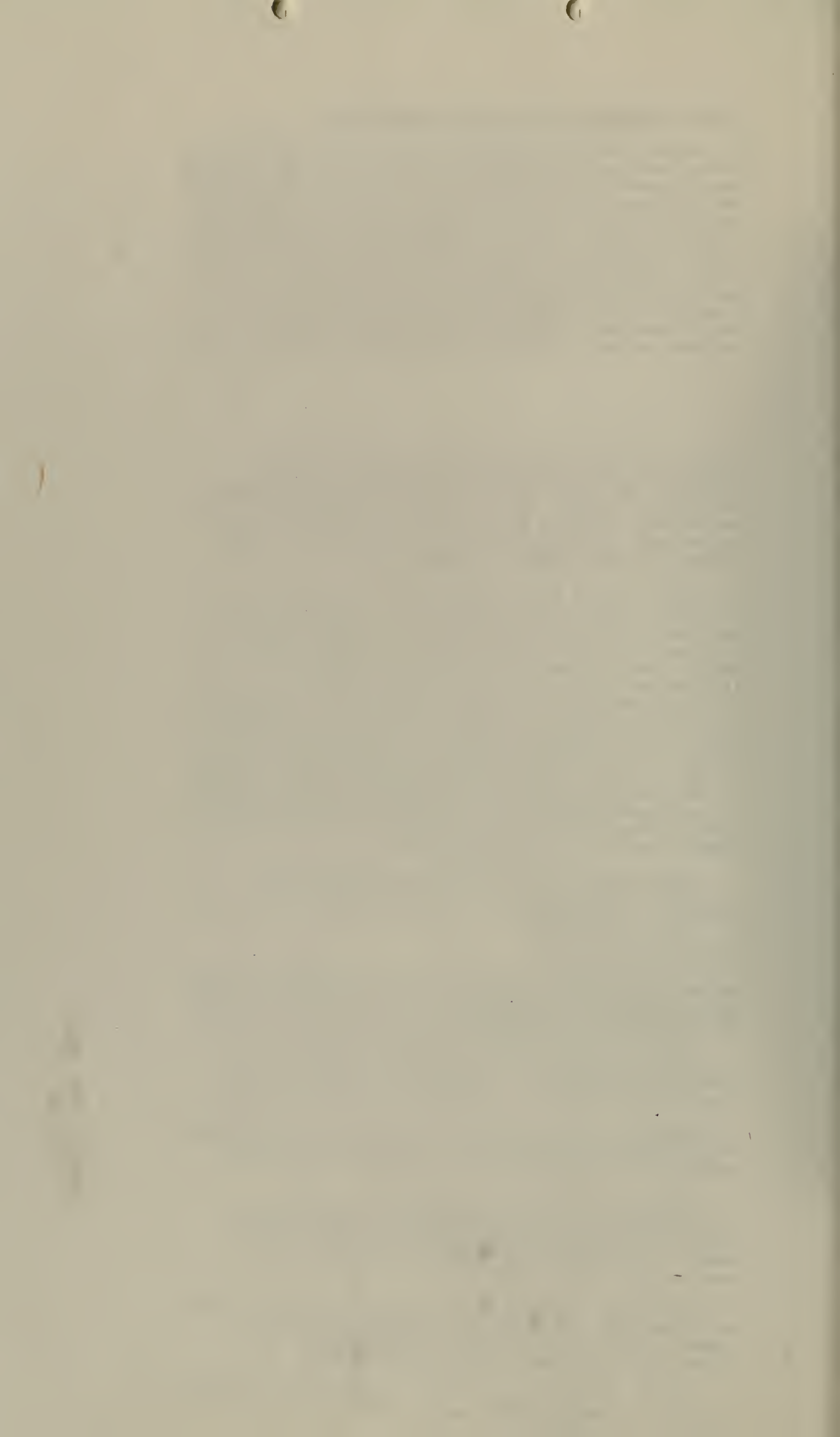
WHEREAS, Claims and Litigation settlements in excess of \$2,500 must be approved by the Board of Supervisors; and

WHEREAS, because of the realities of present-day litigations a large number of claims and lawsuits exceed \$2,500; and

WHEREAS, efficient government and the encouragement of early and equitable settlements would be encouraged by increasing of \$7,500 the amount required for approval by the Board of Supervisors; therefore be it

RESOLVED, that The Police Commission of the City and County of San Francisco urges the Board of Supervisors to approves the Administrative Code Amendments contained in File No. 438-84.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



HEARING OF POLICE OFFICER DANIEL G. MARR, PARK STATION

Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department stated on behalf of the Department, he would respectfully ask that The Commission remove this matter from The Commission's Agenda as it will now be handled administratively by the Chief of Police.

Commissioner Burl Toler then made a motion to remove it, his motion was then seconded by Commissioner Thomas Hsieh and unanimously approved.

RESOLUTION NO. 65-85HEARING OF POLICE OFFICER DANIEL G. MARR, PARK STATION

The Hearing of Police Officer Daniel G. Marr, Park Station, was called it having been set for this date. Police Officer Daniel Marr was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy, requested that the Charges be withdrawn; therefore be it

RESOLVED, that the charges filed against Police Officer Daniel Marr, Park Station, is hereby continued off-calendar by Order of The Police Commission.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING OF POLICE OFFICER MICHAEL D. McCARTHY,
SUPPORT SERVICES BUREAU/COMMUNICATIONS BUREAU

Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, opened by reading a summary of the charges against Officer McCarthy.

Commissioner Alfred Nelder said that before proceeding further with this item, he had noticed Officer McCarthy's name on the Agenda for other Charges on Item #10. He, (Attorney Akins), asked if The Commission was concerned only with Item #9. Attorney Akins said that at this time there are two separate cases. He continued by saying that in this case, if the Department gets the results that he is expecting, Termination, then it may not be necessary to continue with Item #10. He said Item #10 could continue to trail Item #9 until a decision is reached in that matter.



RESOLUTION NO. 64-85

HEARING OF POLICE RECRUIT OFFICER MICHAEL D. MCCARTHY, SUPPORT SERVICES BUREAU/COMMUNICATIONS

The Hearing of Police Recruit Officer Michael D. McCarthy, Support Services Bureau/Communications Division, was called it having been set for this date. Recruit Officer Michael McCarthy was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to acquire and maintain a working knowledge of all information required to perform the duties of a police officer (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to perform assigned duties promptly and according to Department Procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Deputy Chief George Eimil, Acting Chief of Police of the San Francisco Police Department.

Recruit Officer Michael McCarthy appeared in person and was represented by Mr. William Murphy, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, for the Prosecution.

Defense Attorney William Murphy waived his opening statement.

The Charges against Recruit Officer Michael McCarthy were then read into the record.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Robert Berry	Field Training Office
Officer Vince Neeson	Central Station

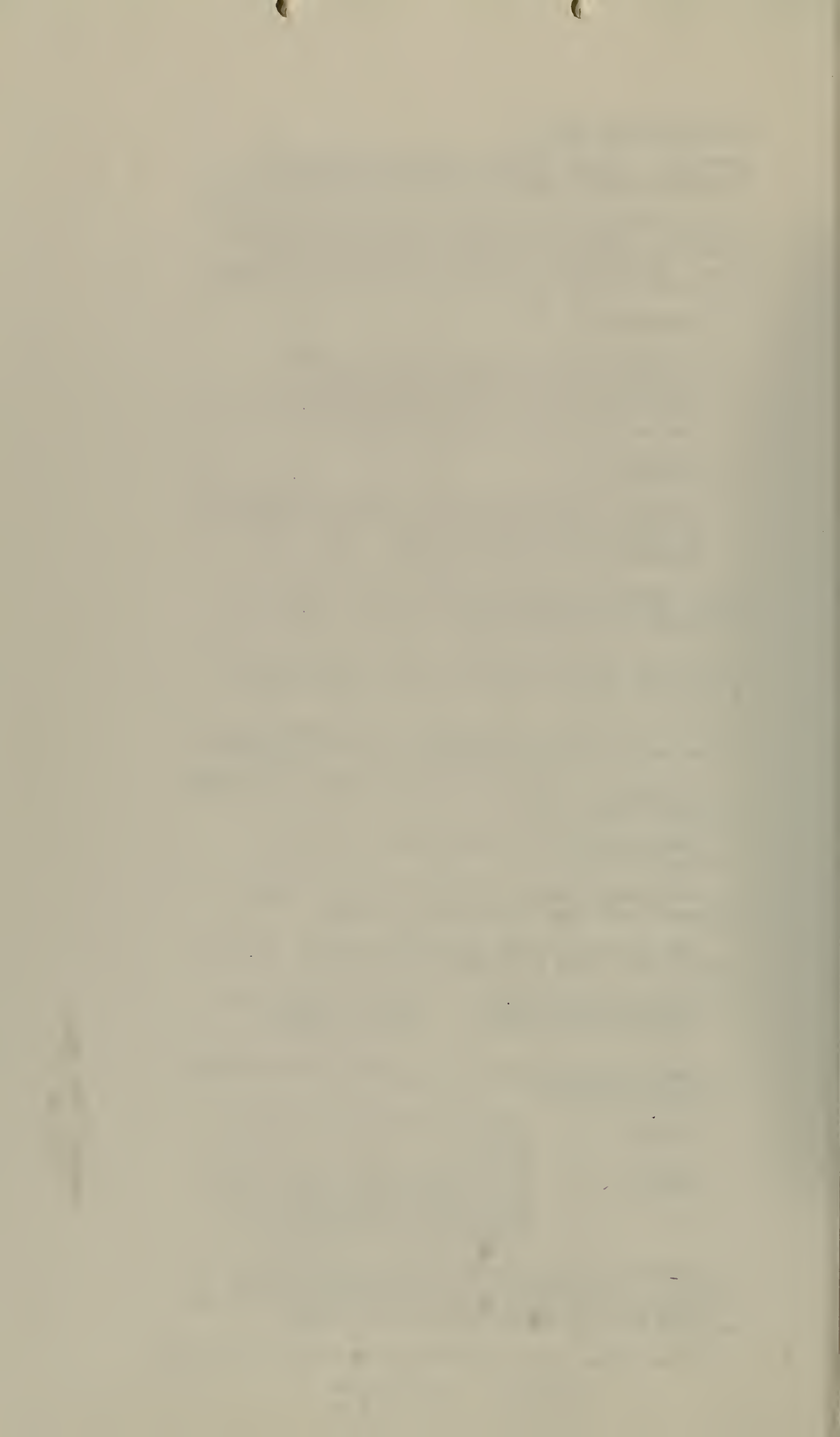
The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Field Training and Evaluation Program
Exhibit #2	Daily Observation Report (DOR) Records Volume I, Volume II and Volume III, regarding Recruit Officer Michael McCarthy.

After listening to testimony from the above parties, the Meeting was then adjourned and the Hearing was continued to Wednesday, February 6, 1985 at 1900 hours in Room 551, Hall of Justice.

Recesses taken during the Hearing of Recruit McCarthy:

7:45 p.m. to 7:53 p.m.
8:37 p.m. to 8:58 p.m.



(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR).

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 64-85

HEARING OF POLICE RECRUIT OFFICER MICHAEL McCARTHY,
SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

The Hearing of Police Recruit Officer Michael D. McCarthy, Support Services Bureau/Communications Division, was called it having been set for this date. Recruit Officer Michael D. McCarthy was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Recruit Officer Michael McCarthy appeared in person and was represented by Mr. William Murphy, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

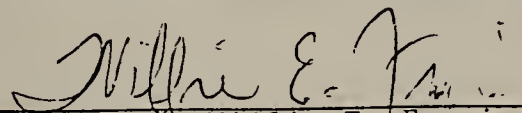
The Charges against Recruit Officer Michael D. McCarthy were then read into the record.

It was requested by Attorney Jerry Akins that this hearing be continued until after the conclusion of the previous set of charges (Legal File No. C45-13-JWA), made and filed against Recruit Officer Michael McCarthy, by Acting Chief of Police, Deputy Chief George Eimil on August 16, 1984; therefore be it

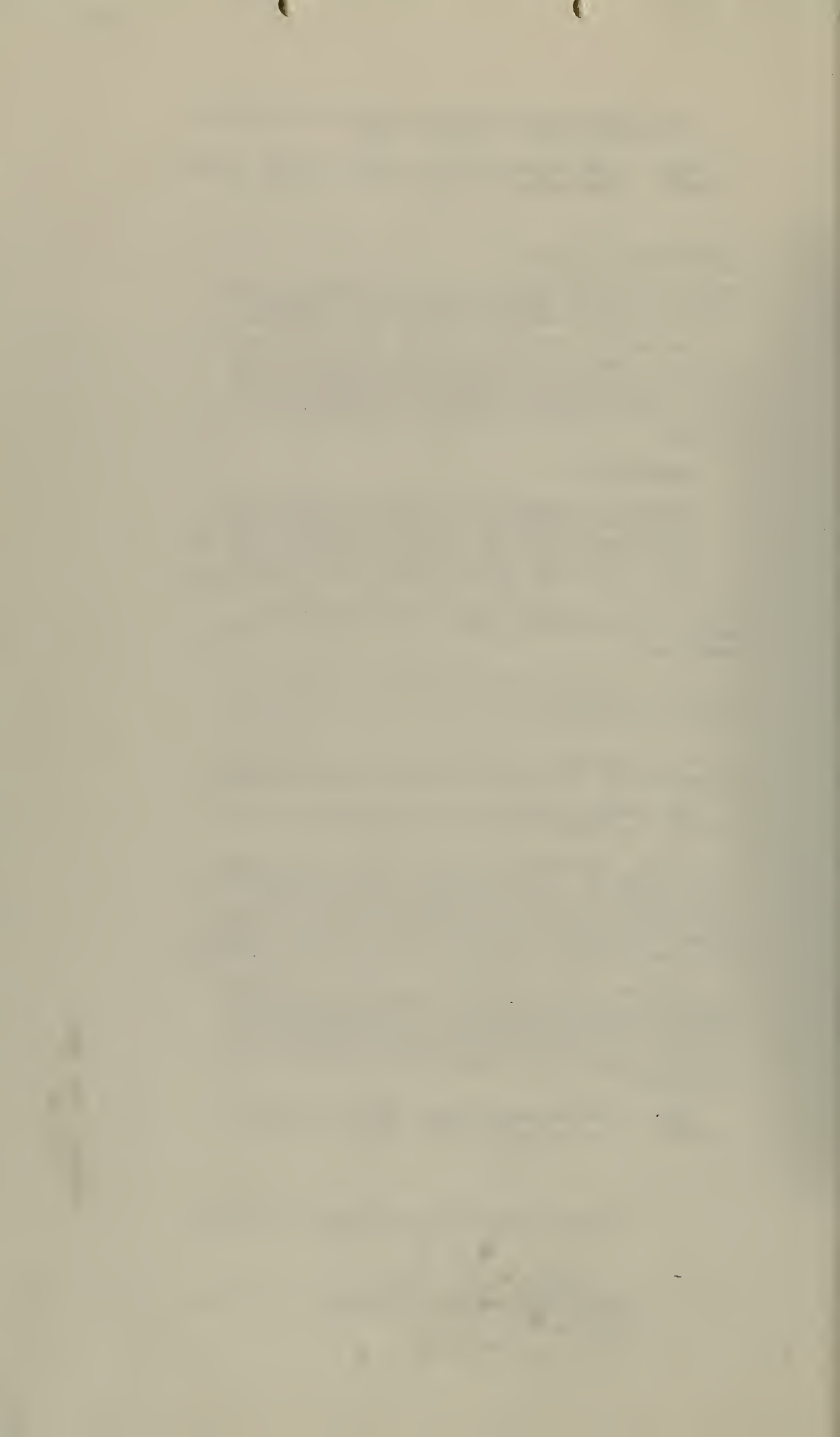
RESOLVED, that the hearing of the disciplinary charges filed against Recruit Officer Michael D. McCarthy, Support Services Bureau/Communications Division, is hereby continued and will be heard at the conclusion of the case of Legal File No. C45-13-JWA.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

THE MEETING WAS THEN ADJOURNED AT 10:23 P.M.



Lieutenant Willie E. Frazier
Secretary
The Police Commission



SEP 11 1985

SAN FRANCISCO
PUBLIC LIBRARY31 JANUARY 1985EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, on Thursday, January 31, 1985 at 1700 hours in an Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

1. Attorney-Client Conference

Commissioner David Sanchez presiding.

31 JANUARY 1985REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on thursday, January 31, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

Commissioner David Sanchez presiding.

APPROVAL OF MINUTES OF THE MEETING OF JANUARY 10, 1985APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 141-85JOSEPH CHOU

RESOLVED, that judgement made for settlement of litigation of Joseph Chou in the sum of \$1,700, entitled "Joseph Chou" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1981

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

RESOLUTION NO. 113-85PATRICIA L. AU vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgement made for settlement of litigation of Patricia L. Au in the sum of \$7,602.00 in United States District Court No. C83-5186WHO entitled "Patricia L. Au vs. City and County of San Francisco, et al.", as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 19, 1983

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh



TRAVELING EXPENSE VOUCHERS - APPROVEDRESOLUTION NO. 145-85

RESOLVED, that the Traveling Expense Vouchers submitted by Sergeant Michael Seybold and Officer Howard Bergmark in the amount of \$64.80 each for expenses incurred in attending the 1985 Legal Update Seminar in Santa Rosa, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

RESOLUTION NO. 146-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER DONNA DeMARTINI AND OFFICER THOMAS CLEARY, NARCOTICS SECTION, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, FROM FEBRUARY 3rd TO FEBRUARY 15, 1985

RESOLVED, that the recommendation of the Chief of Police that Officer Donna DeMartini and Officer Thomas Cleary, Narcotics Section, be authorized to attend the Narcotic Investigation Course, conducted by the California Department of Justice in Sacramento from February 3rd to February 15, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$731.65 each for subsistence and travel will be reimbursed by P.O.S.T. P.O.S.T. will also reimburse the Department 60% of these members salary while they are attending this course.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

POLICE COMMISSION REPORT

Commissioner David Sanchez said at this time Mr. Frank Schober, Director of the Office of Citizen Complaints (OCC) has indicated he wants to make some comments to The Commission.

Mr. Schober said the support from the Police Department toward the OCC's efforts has been completely favorable and always sustaining. He said the two clerks the Department donated are not only efficient but they speak English very well.

Commissioner Alfred Nelder then asked him as to how did that particular incident from this morning's Chronicle Newspaper become so distorted.

Mr. Schober said that, that article in the morning's Chronicle was not valid. He said actually the reverse is true and The commission has given the Office of citizen Complaints 100% cooperation on any thing and everything OCC has asked for.

Commissioner Jo Daly said that Commissioner Thomas Hsieh and herself has spent a lot of hours as the sub-committee for the Commission on OCC matters. She advised Mr. Schober that they were certainly available to Mr. Schober, 24 hours a day to help them solve their problems.



She said she is asking that the policy regarding the Office of Citizen Complaints' staff members in the dissemination of information, be put in writing and that Mr. Schober write a letter to the editor of the Chronicle as that report by them in this morning's newspaper is very poor reporting.

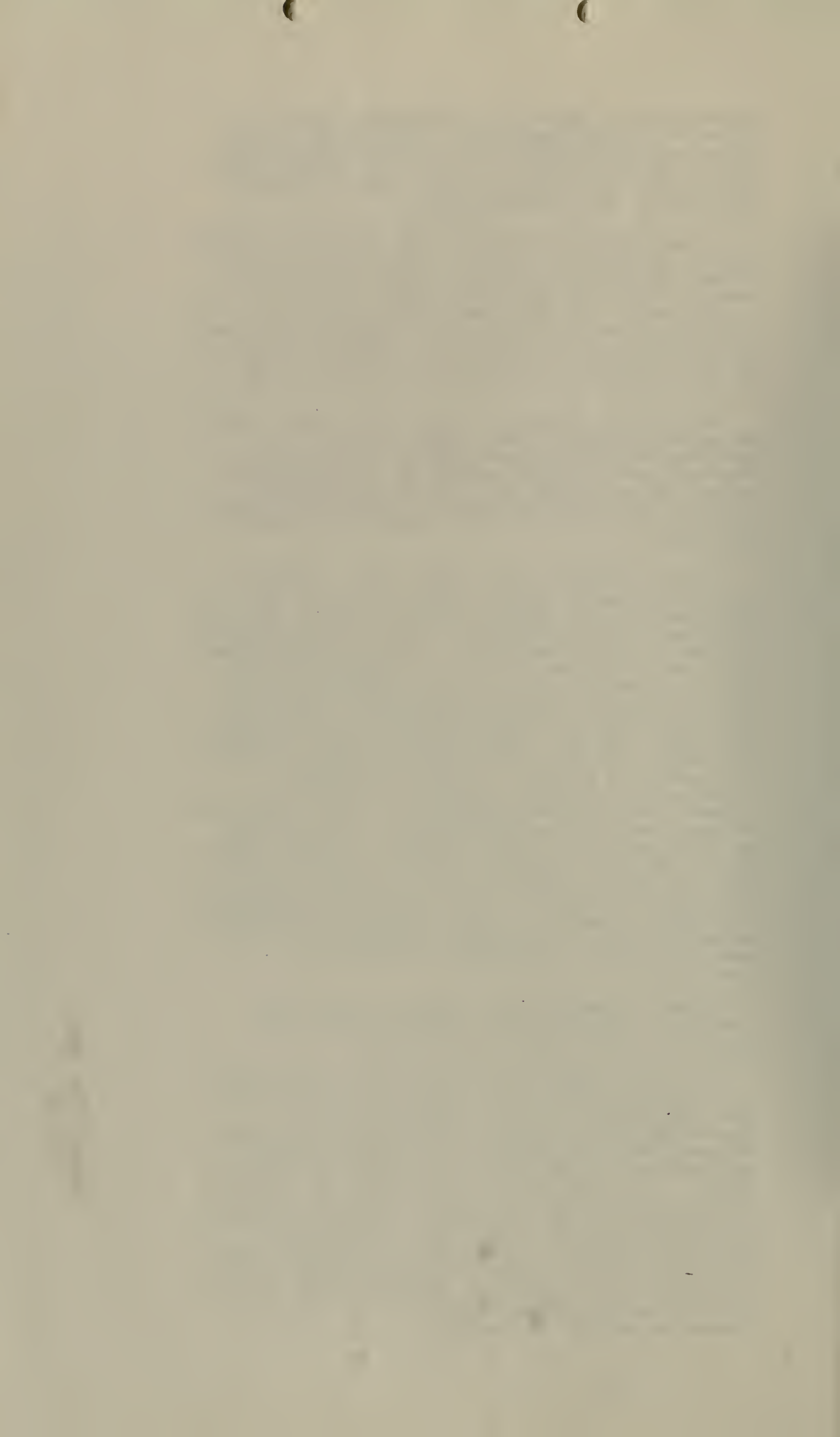
Commissioner David Sanchez said there was also an article regarding this issue in the afternoon paper. He said this office (OCC) is a public office and everyone must have the highest degree of confidence in that office including the highest degree of professional skills. He said The commission has been fully supportive of the Office of Citizen Complaints and will continue to look upon the OCC as a high priority matter and will not deviate from that focus.

Mr. Schober thereafter spoke about a report which he called a morning report which, he said, is a confidential report transmitted to the captains in the field and to senior members of the Department. He said he has learned that this report is very useful in the field and Captains have indicated that they are using it as sort of a type of preventive medicine.

He said another item he would like to report on is the revision of the 393 Form, a form that was inherited from the Internal Affairs Bureau. He said this form would be revised to allow for a system that is clear to the Captains of the Stations and Bureaus and clear to OCC and also to the complainant as to what is occurring. He said the commanding Officer Referral which is what this report is about will be used where there is a misunderstanding concerning departmental policy. He then gave a report on case clearances. He said total number of cases that will be re-assigned are 240. He said of that 240, approximately 200 will be properly handled by a closure letter to the complainant. He said they have 40 cases now scheduled for hearing as soon as they get permission to go ahead with the hearings, which will be following the City Attorney's Opinion on the Office of Citizen Complaints Hearing Rules. He said they completed detailed investigations from October 15, 1984 to January 31, 1985, have been 25 with eight being sustained. He continued by saying that cases currently under investigation, detailed investigation, are 48.

After listening to Mr. Schober's report The Commission acknowledged the request of Mr. Peter Mezey of the Bar Association to speak.

Mr. Peter Mezey said he would like to make a few observations on Mr. Schober's report. He said he felt the progress that Mr. Schober cites is heartening but one item he noted was that there are 40 cases awaiting hearings. He said as stated, we are awaiting the Opinion from the City Attorney's Office. Mr. Mezey said as recently as today he had spoken to Mr. George Agnost, City Attorney, and he assures him that he is working very hard on this and hopes that the Opinion will be forthcoming next Monday or Tuesday. He said the most dramatic effect for the Office of Citizen Complaints to have on the citizenry is the holding of the hearings which is in the interest of everyone and that these should go forward as rapidly as possible.



CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Cornelius P. Murphy said he had no report for The Commission tonight.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Alfred Nelder said he Chaired this Awards Meeting last Friday and it was very complete with many outstanding cases and he would move this time that the Awards be approved and a date set for the presentation. Thereafter, february 28, 1985 was set for the presentation.

RESOLUTION NO. 231-85

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, January 25, 1985; and

WHEREAS, Chief of Police Cornelius P. Murphy, has recommended to The Police Commission that the said members be rewarded under the provisions of Section 8.405 (a) (4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Roberto Salinas, be, and he is hereby awarded a Silver Medal of Valor and granted a reward of \$100.00 as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeant Gene B. Donaldson; Sergeant James J. Hughes; Sergeant John E. Toomey; Officer Alexander D. Alfaro; Officer Michael I. Caplan; Officer Terry M. Cottonreader; Officer William B. Davenport; Officer Jonathan M. Fong; Officer Glen J. Ghiselli; Officer Matthew J. Hanley; Officer Anthony Johnson; Officer Keith F. Lai; Officer Patrick F. Mullins; Officer Diane P. Neary; Officer Richard E. Pate; Officer Vincent Profaca; Officer Luis D. Schonborn; and Patrol Special Officer Michael A. Biggio, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of \$50.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Lieutenant Charles Hoenisch, Jr.; Inspector Olav P. Hindahl; Inspector Calvin L. Nutting; Inspector David R. Toschi and Officer Rodney D. King, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$50.00 each, as provided for under said section of the Charter.

AYES: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT
GENERAL ORDER TO IMPLEMENT A RE-ORGANIZATIONAL
PROPOSAL WHICH WILL SEPARATE THE PATROL FORCE INTO
TWO DIVISIONS AND CREATE AROUND THE CLOCK COMMAND
RESPONSIBILITY - APPROVED



Deputy Chief Kevin Mullen of Staff Services Division, said The Commission has had the Proposal before them on several occasions for approval. He said it was deferred several times because of Meet and Confer Sessions requested by the San Francisco Police Officers' Association. He said what is before The Commission now is a draft of a General Order to implement that Proposal. He said there has been a couple of changes made as bracketed on Page 3. He said at this point the Department is asking that the Commission adopt a resolution to implement this Proposal.

Commissioner Jo Daly said she would make the motion to adopt the Proposal. Commissioner Burl Toler seconded.

Commissioner David Sanchez, in a brief comment, said that the system of meeting and conferring really provides an opportunity for everyone to listen and to share and to look at items that many feel are self explanatory but may not be. He said there is a great deal of energy and hard work put in the initial concept and there is also even greater energy put into the revisions and as The Commission has heard and stated that this is not a change that is going to be fixed in concrete. He said the Department is going to field test it and it is hoped it will maximize the efforts of the men and women in the Department to perform to the highest level of professional standards and performance. He said as chairman of The Commission he just wanted to thank everyone involved in the process where The Commission was able to listen and make some substantial changes. The matter was then unanimously approved.

RESOLUTION NO. 117-85

DEPARTMENT GENERAL ORDER "RE-ORGANIZATION OF THE FIELD OPERATIONS BUREAU"

RESOLVED, that The Police Commission hereby adopts Department General Order "Re-Organization of the Field Operations Bureau".

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A PROPOSED AMENDMENT TO THE SAN FRANCISCO ADMINISTRATIVE CODE, SECTION 10.169-4 OF ARTICLE XV, CHAPTER 10 THERETO, TO INCREASE THE POLICE DEPARTMENT REVOLVING FUND IN THE AMOUNT OF \$10,000.00

RESOLUTION NO. 118-85

PROPOSED AMENDMENT TO THE SAN FRANCISCO ADMINISTRATIVE CODE, SECTION 10.169-4 OF ARTICLE XV, CHAPTER 10 THERETO, TO INCREASE THE POLICE DEPARTMENT REVOLVING FUND IN THE AMOUNT OF \$10,000.00

WHEREAS, the 1984-85 Budget for the San Francisco Police Department reflects an appropriation to increase the Police Department Revolving Fund; and

WHEREAS, in order for this to become part of the funds available to the Police Department as a Revolving Fund, an amendment to the San Francisco Administrative Code is required; and



WHEREAS, a draft ordinance has been prepared and reviewed by The Police Commission; and

WHEREAS, it is necessary for action to be taken by the Board of Supervisors to amend the San Francisco Administrative Code; therefore be it

RESOLVED, that The Police Commission hereby forwards the attached proposed ordinance to the City Attorney for approval as to form and once this is accomplished, hereby requests the City Attorney to transmit the ordinance to the Board of Supervisors for their adoption.

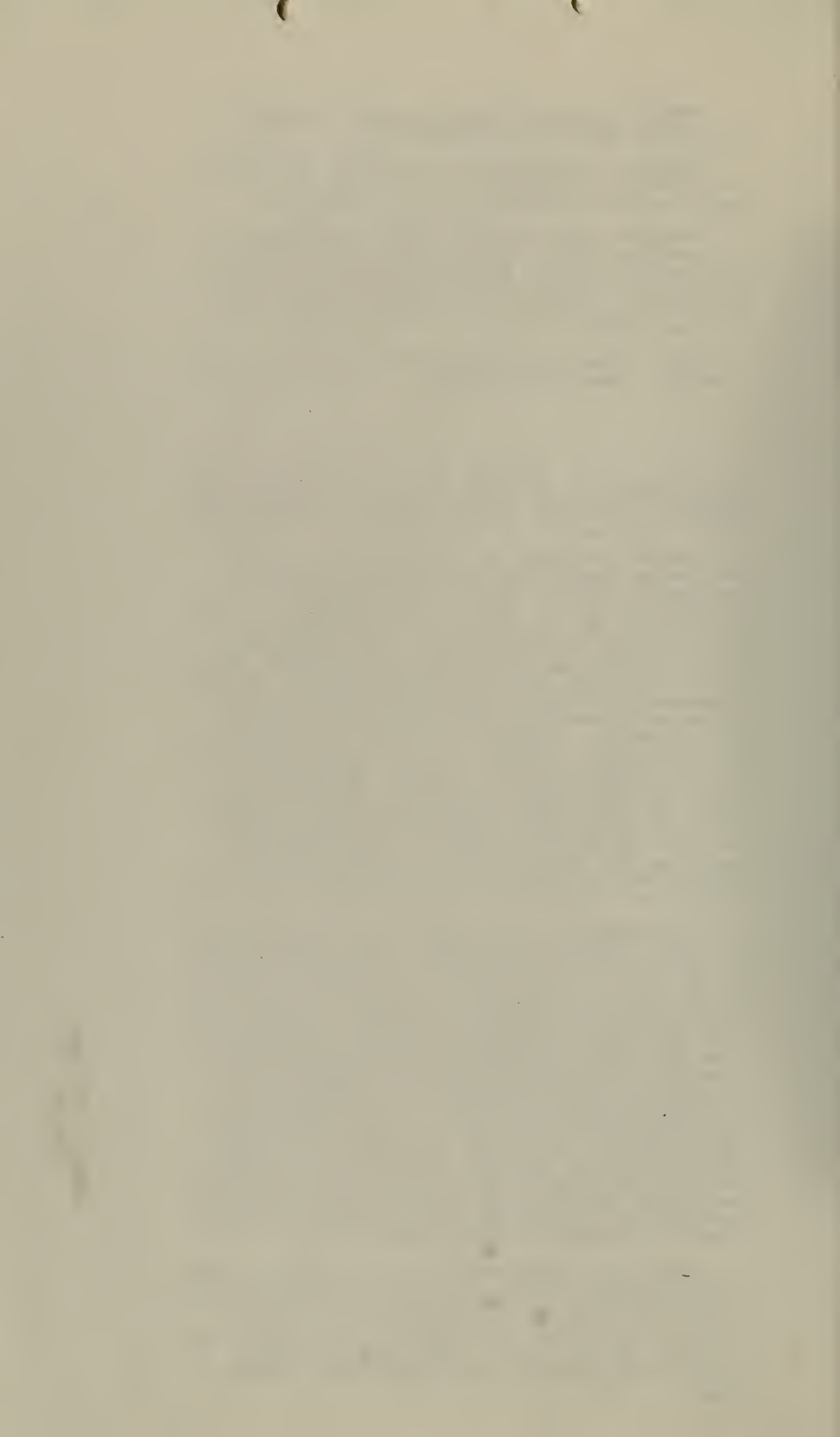
AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE MR. JOHN A. BRANDI'S TAXICAB OWNER PERMIT

Inspector Parenti, of the Taxicab Detail, said this matter involves an incident that occurred on November 9, 1984 at 1700 hours in front of the Greyhound Bus Depot. He said the complainant who is here tonight, Mr. Porthello and his wife who are both blind and have seeing eye dogs. They attempted to hire a cab that was driven by Mr. John Brandi. He said at that time they were refused service. He said subsequently Mr. Brandi appeared at the taxi cab office and stated that taxicabs are for people and not for animals. He was then cited to a hearing before the Chief of Police. He said that hearing was held on December 18th but had been originally scheduled on December 11th, but Mr. Brandi couldn't appear and made other arrangements to appear on the 18th. He continued by saying the case was heard at that time in absentia because Mr. Brandi did not appear at that hearing either. Inspector Parenti said at that time the Chief's recommendation was for revocation of his permit to drive a cab.

Mr. Joseph Bravo, Attorney at Law, representing Mr. Brandi said his purpose for coming here tonight was to request The Commission to put this matter over for 30 days. He said he was just recently retained by Mr. Brandi and attempted to contact the Department for the purpose of seeing if the matter could be put over for a couple of reasons. He said one, to be able to examine the facts as there was no hearing as Inspector Parenti stated and considering the sanctions that are involved and the consequences he felt his client was entitled to a fair hearing. He said in fact his meal ticket is going to be taken away from him. He said he would also offer that if Mr. Porthello had incurred an expense in traveling here tonight it would only be fair that his client pay his cab fare here both to and from and then back again at the next hearing so that the matter can be heard on its merits in approximately 30 days.

Commissioner David Sanchez then advised Mr. Bravo that The Police Commission has been very cognizant of the special needs of the City and especially the needs of the elderly and handicapped. He said the fact that there were two, evidently, hearings set and there was non-compliance by Mr. Brandi in itself speaks to the fact that there maybe some problems here.



Commissioner Alfred Nelder said to Mr. Porthello, the complainant, that it would be fair to give the attorney for Mr. Brandi the opportunity to review the case so that the accused has a fair opportunity to present his side. He said he would therefore make a motion that this matter be continued for two weeks, however, he said, he would add that for all of those involved in the case, The Commission will proceed at that particular time as the complainants have been inconvenienced enough. He said he is making that motion with the proviso that the case will definitely move ahead in two weeks. Commissioner Burl Toler seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION GRANT MR. WILLIAM J. HARJO A TAXICAB OWNER PERMIT

Officer Lamont Suslow of the Permit Section, advised The Commission that Mr. Harjo is next in line to receive one of the 50 permits The Commission approved for issuance back in March of last year.

Commissioner Alfred Nelder said that at that time, March 29, 1984, The Commission concluded, predicated upon the evidence produced here, that those 50 cabs were needed and required, (and that should be noted in the record) as the last objection made by an attorney for the Jitney Association, said that The Commission did not have a hearing even though The Commission did issue a permit such as it is doing tonight and he just wanted to make a point of the fact that The Commission did hear evidence and did conclude at that particular time these permits were to be issued predicated upon Public Convenience and Necessity of the public at large and he would therefore move approval for issuing this permit to Mr. Harjo. Commissioner Burl Toler seconded it and it was thereafter unanimously approved.

RESOLUTION NO. 114-85

WHEREAS, Mr. William Harjo applied to The Police Commission for a declaration by The Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before The Police Commission of the City and County of San Francisco on Thursday, March 22, 1984; Thursday, March 29, 1984; Thursday, December 6, 1984 and continued to and including Thursday, January 31, 1985; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, The Police Commission, pursuant to Resolution No. 283-84 has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that said taxicab owner permit shall be granted under and shall be revokable under criteria and standards published by The Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mr. William J. Harjo.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh



RECOMMENDATION OF THE CHIEF OF POLICE FOR THE
REVOCATION OF JITNEY BUS PERMIT HELD BY GEORGE REA

Officer Lamont Suslow of the Permit Section said the matter named herein deals with several violations committed by Mr. Rea with respect to the non-operation of his vehicle, lack of filing the necessary insurance papers and also failing to file the renewal application which is due by December 15th of each year. He said a hearing on this matter was heard by the Chief on January 15, 1985 and the findings of that hearing are before The Commission this evening and the recommendation from the Department is that Mr. Rea's permit be revoked. He said Mr. Rea was given written notice, return receipt requested, of the Chief's hearing on the 15th to the address of record and was also given written notice of this evening's hearing. He said Mr. Rea is not present.

Commissioner Burl Toler then moved that Mr. Rea's permit be revoked. Commissioner Alfred Nelder seconded and it was unanimously approved.

RESOLUTION NO. 115-85

RECOMMENDATION OF THE CHIEF OF POLICE FOR THE
REVOCATION OF JITNEY BUS PERMIT HELD BY GEORGE REA

WHEREAS, Mr. George Rea was granted a Jitney Bus Permit pursuant to Proposition K of July 11, 1984 to operate a Jitney Bus on the Mission Street Route; and

WHEREAS, Mr. George Rea was granted a 90 day suspension on July 27, 1984 and ended on October 24, 1984, and

WHEREAS, ten (10) days passed subsequent to the end of the suspension of operation and no insurance was submitted by Mr. George Rea; and

WHEREAS, Section 4a of Proposition K requires a daily and regular operation of a motor vehicle for hire permit, and failure to do so for ten (10) consecutive days mandates The Police Commission to revoke the permit; and

WHEREAS, The Permit Section files indicate that Mr. George Rea has failed to comply with Section 1088 of the Police Code which requires the permit holder to renew by written application the Jitney Bus Permit each year prior to December 15; and

WHEREAS, Mr. George Rea, having been given notice by the Permit Section on two (2) occasions that his appearance was mandatory to show cause why his Jitney Bus was not in operation on each occasion he failed to respond; therefore be it

RESOLVED, that it is the Order of The Police Commission, based on the findings of the facts by the Chief of Police, that The Police Commission hereby directs the Permit Section of the San Francisco Police Department of the City and County of San Francisco to revoke the license/permit authorizing George Rea to operate a Jitney Bus on the Mission Street Jitney Bus Route.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh



REQUEST OF POLICE OFFICER NICANOR E. GUERRA, RICHMOND STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY

RESOLUTION NO. 142-85

WHEREAS, Police Officer Nicanor E. Guerra, Richmond Station, was suspended without pay effective 1000 hours, Tuesday, July 3, 1984, pending hearing of charges before The Police Commission; and

WHEREAS, Police Officer Nicanor Guerra, Richmond Station, has requested a Leave of Absence Without Pay pending hearing of charges before The Police Commission; therefore be it

RESOLVED, that Police Officer Nicanor E. Guerra, Richmond station, be placed on Leave of Absence Without Pay at his request for a period of thirty-five (35) days commencing January 18, 1985 through February 21, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

REQUEST OF POLICE OFFICER SCOTT G. QUINN, MISSION STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY

RESOLUTION NO. 143-85

WHEREAS, Police Officer Scott G. Quinn, Mission Station, was suspended without pay effective 1700 hours on October 5, 1984, pending hearing of charges before The Police Commission; and

WHEREAS, Police Officer Scott Quinn has requested a Leave of Absence Without Pay pending hearing of charges before The Police Commission; therefore be it

RESOLVED, that Police Officer Scott Quinn, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of twenty (21) days commencing February 1, 1985 through February 21, 1985, inclusive, be, and the same is hereby approved.

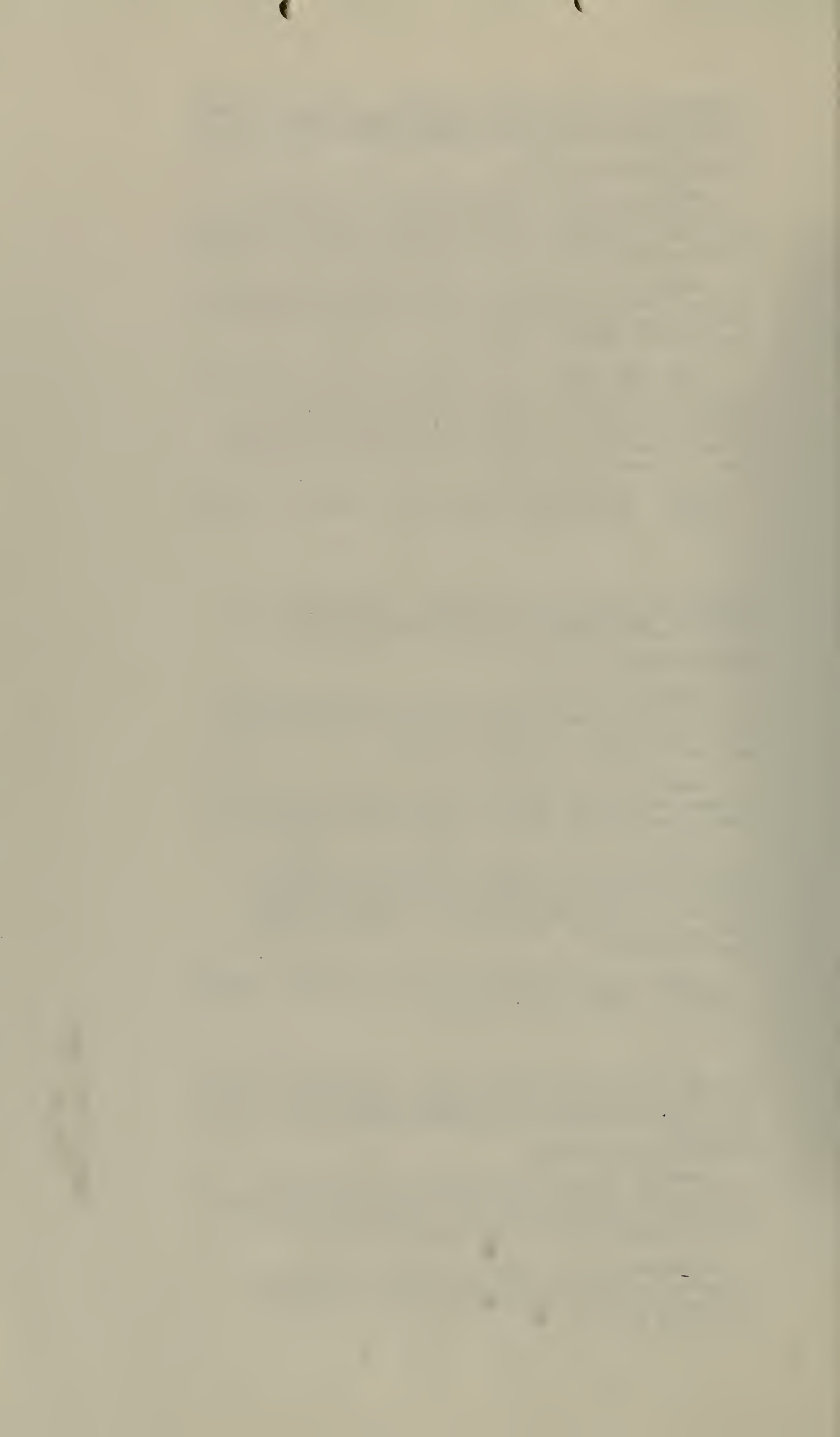
AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

REQUEST OF POLICE OFFICER NIALL J. PHILPOTT, MISSION STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY

RESOLUTION NO. 144-85

WHEREAS, Police Officer Niall J. Philpott, Mission Station, was suspended without pay effective 1700 hours on October 5, 1984, pending hearing of charges before The Police Commission; and

WHEREAS, Police Officer Niall Philpott has requested a Leave of Absence Without Pay pending hearing of charges before The Police Commission; therefore be it



RESOLVED, that Police Officer Niall J. Philpott, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of twenty one (21) days commencing February 1, 1985 through February 21, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

HEARING OF OFFICER PHILIP J. LEE, MISSION STATION

RESOLUTION NO. 119-85

The Hearing of Officer Philip J. Lee, Mission Station, was called it having been set for this date. Officer Philip Lee was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Philip Lee appeared in person and was represented by Officer Gerald Schmidt, a Representative of the San Francisco Police Officers' Association.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, for the Prosecution.

No opening statement was made by Gerald Schmidt for the Defense.

The charges against Officer Lee were then read into the record.

Gerald Schmidt submitted a written admission to the charges on behalf of Officer Philip Lee.

The following named witness was called by the Prosecution, was sworn and testified:

Officer John S. Ehrlich Ingleside Station

The following named witness was called by the Defense, was sworn and testified:

Officer Philip J. Lee Mission Station

The following named witness was called by The Police Commission, was sworn and testified:

Captain Victor Macia Mission Station



After listening to testimonies from the above parties, Chief of Police Cornelius P. Murphy stated that prior to his recommendation, an evaluation as to the proclivities of Officer Lee in the use of alcoholic beverages (which shall be obtained at the expense of Officer Philip Lee) with a report on the findings, is to be submitted to the Chief before the next hearing date.

Commissioner Alfred Nelder so moved and Commissioner Jo Daly seconded.

The meeting was then adjourned at 2010 hours, and the Hearing was continued to Thursday, February 28, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

HEARING OF POLICE OFFICER LAWRENCE A. GRAY, Jr.,
CENTRAL STATION

The Hearing of Police Officer Lawrence A. Gray, Jr., Central Station was called it having been set for this date. Police Officer Lawrence Gray, Jr., was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Lawrence Gray, Jr., appeared in person and was represented by Mr. James Collins, Attorney at Law.

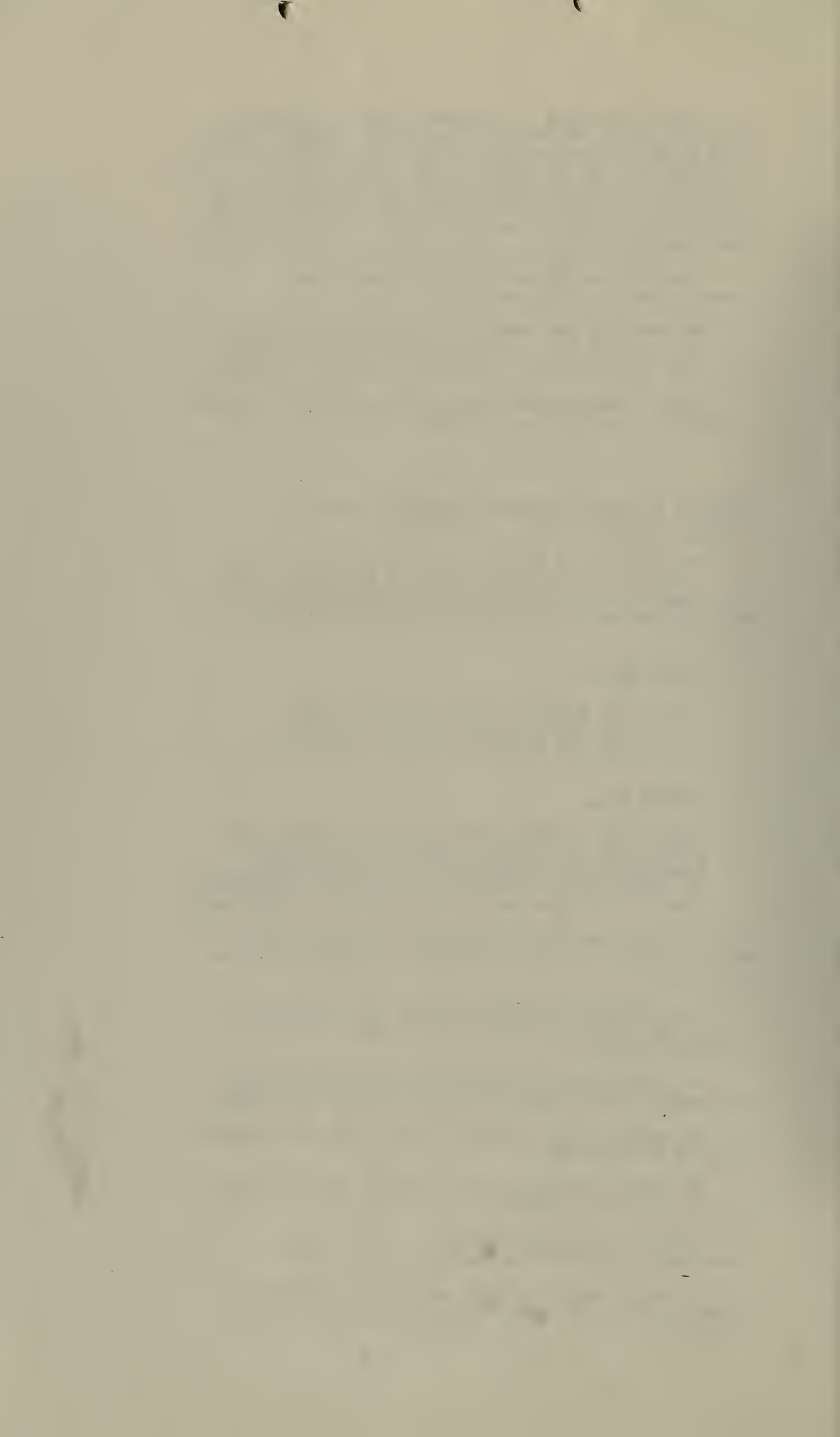
Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Attorney James Collins, for the Defense.

The charges against Officer Lawrence Gray, Jr., were then read into the record.

Attorney James Collins, on behalf of Officer Lawrence Gray, Jr., made a plea of guilty to the charges.



The following named witness was called by the Prosecution, was sworn and testified:

Officer James Burgess California Highway Patrol

The following named witnesses were called by the Defense, were sworn and testified:

Sergeant Carl Jackson Central Police Station
Sergeant William Miller Potrero Police Station
Officer Lawrence Gray Central Police Station

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned finding that Charge No. 1 and Charge No. 2 are sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Lawrence Gray, Jr., be suspended 60 days, given 20 days credit for time served and the remaining 40 days to be held in abeyance for three (3) years and that Officer Lawrence Gray, Jr. attend an Alcohol Education School with Certification of Completion forwarded to the Department.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 120-85

WHEREAS, on November 8, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Lawrence A. Gray, Jr., Central Station, as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

- (a) At all times herein mentioned, Lawrence A. Gray, Jr., Star 267, (hereinafter referred to as the accused) was and is a police officer employed by the San Francisco Police Department;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;
- (c) On July 3, 1984, at or about 1510 hours in Trinity County, California, the accused, while off-duty and after consuming beverage alcohol became involved in a one vehicle collision which occurred while he was driving his personal motor vehicle,;
- (d) The three (3) passengers in the accused's vehicle at the time of the collision sustained personal injuries;
- (e) The accused was arrested by a California Highway Patrol Officer for violation of California Vehicle Code 23153(a), a felony;



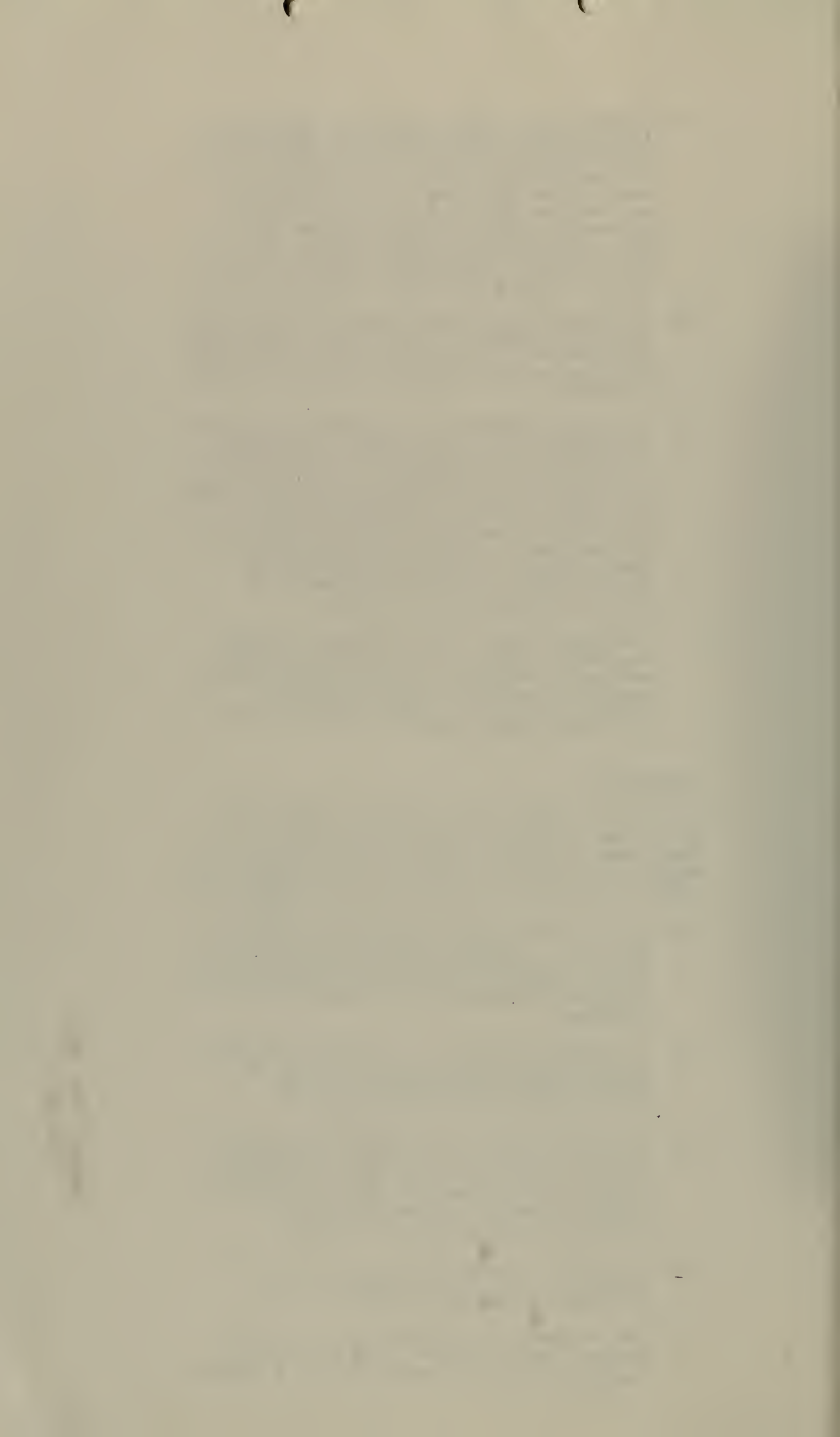
- (f) Vehicle Code 23153(a) makes it "unlawful for any person while under the influence of an alcoholic beverage or any drug, or under the combined influence of any alcoholic beverage and any drug to drive a vehicle and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver";
- (g) The accused was convicted of a violation of California Vehicle code 23152(a) which makes it unlawful for any person who is under the influence of any alcoholic beverage to drive a vehicle;
- (h) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by driving a vehicle on the highways of the State of California in violation of Vehicle Code 23153 (a) and/or violation of Vehicle Code 23152(a), not only failed to prevent crime, but engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order A-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (a) At all times herein mentioned, Lawrence A. Gray, Jr., Star 267, (hereinafter referred to as the accused) was and is a police officer employed by the San Francisco Police Department assigned to the Central Police Station;
- (b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;
- (c) On July 3, 1984, at or about 1510 hours in Trinity County, California, the accused, while off-duty and after consuming beverage alcohol became involved in a one vehicle collision which occurred while he was driving his personal motor vehicle,;
- (d) The three (3) passengers in the accused's vehicle at the time of the collision sustained personal injuries;
- (e) The accused was arrested by a California Highway Patrol Officer for violation of California Vehicle Code 23153(a), a felony;



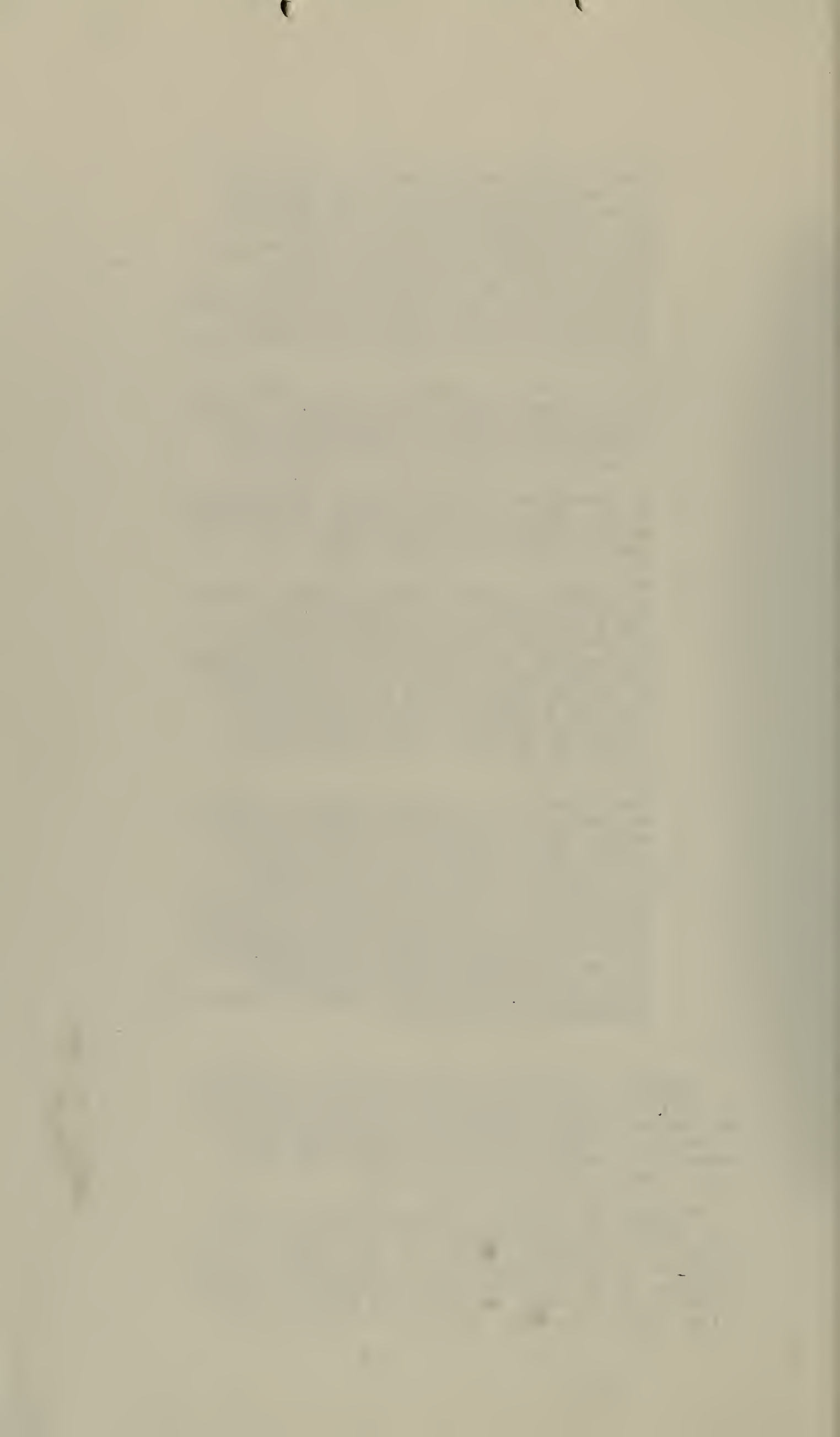
- (f) Vehicle Code 23153(a) makes it "unlawful for any person while under the influence of an alcoholic beverage or any drug, or under the combined influence of any alcoholic beverage and any drug to drive a vehicle and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of the vehicle which act or neglect proximately causes bodily injury to any person other than the driver";
- (g) The accused was convicted of a violation of California Vehicle Code 23152(a), a misdemeanor, which makes it unlawful for any person who is under the influence of any alcoholic beverage to drive a vehicle;
- (h) In connection with his arrest, the California Highway Patrol caused a sample of the blood of the accused to be tested and found it to contain 0.19% alcohol by weight;
- (i) The accused, by failing to prevent crime and by being arrested by a California Highway Patrol Officer, and by driving a vehicle on the highway with 0.19% blood alcohol, has engaged in conduct which tends to subvert the good order, efficiency, or discipline of the Department which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 31, 1985, and on Thursday, January 31, 1985, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that the said allegations contained in Charge No. 1, violation of Rule A-2 of General Order D-1; and Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained by a plea of Guilty by Attorney James Collins on behalf of his client Officer Lawrence Gray, Jr.; therefore be it



8

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission Orders that for said violations, Officer Lawrence Gray Jr., Central Station, shall be suspended for 60 days, with 20 days credit for time served, and 20 days to be held in abeyance for three (3) years and 20 days to be imposed commencing Wednesday, February 20, 1985 at 0001 hours and ending on Monday, March 11, 1985 at 2400 hours. Officer Lawrence Gray, Jr. is to attend an Alcohol Education School with Certification of Completion to be forwarded to the Chief of Police.

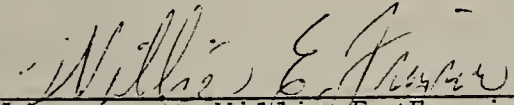
Recesses taken during the Hearing of Officer Gray Jr.

1915 hours to 1921 hours
1927 hours to 1032 hours

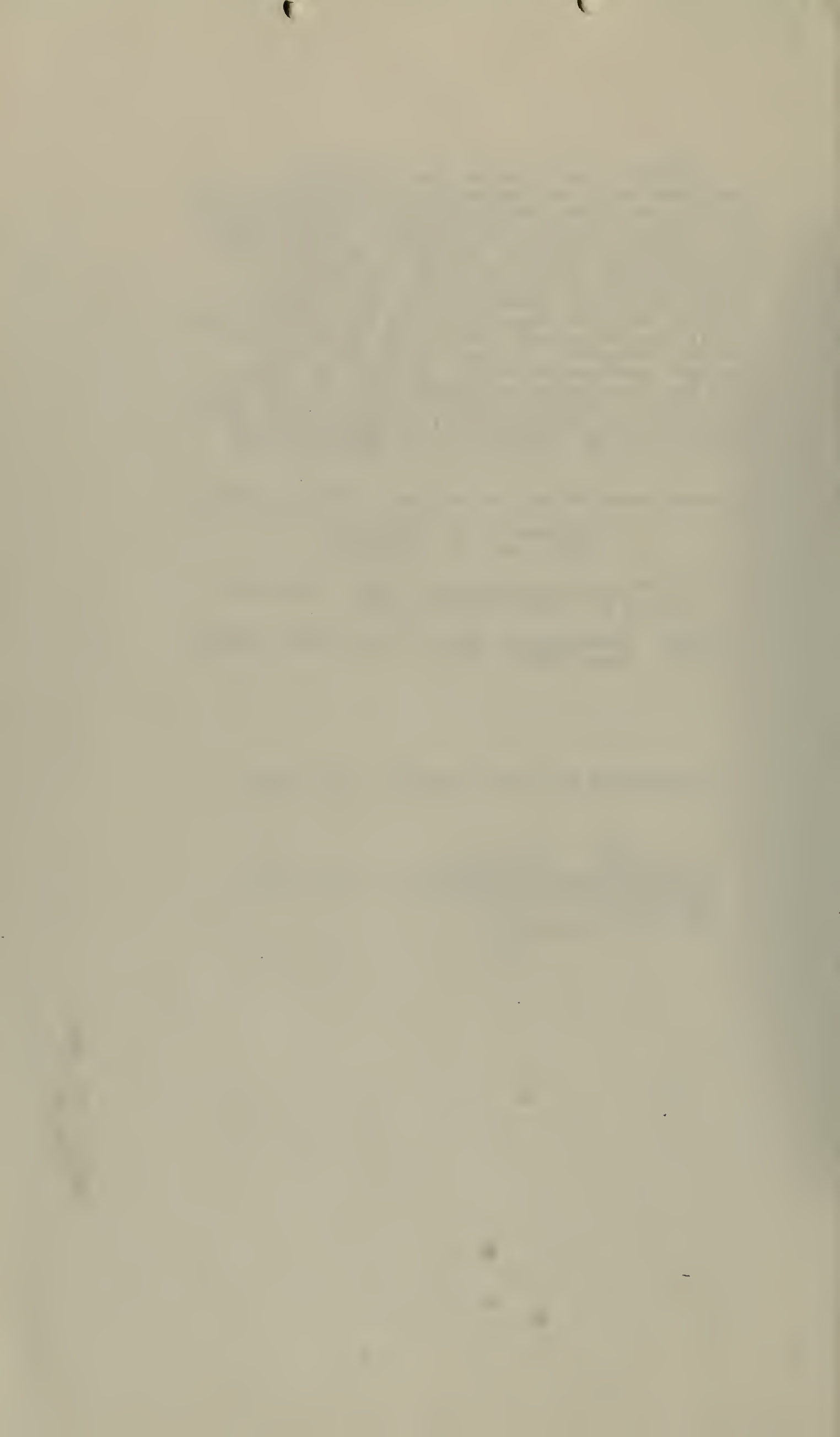
(The Entire Proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

AYES: Commissioners Daly, Toler, Nelder, Sanchez
ABSENT: Commissioner Hsieh

THE MEETING WAS THEN ADJOURNED AT 1023 HOURS



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



15
85
Minutes
FEBRUARY 7, 1985

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 7, 1985 at 1700 hours in Closed Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

1. Attorney-Client Conference

DOCUMENTS DEPT.

Commissioner Sanchez presiding.

DEC 6 1985

FEBRUARY 7, 1985

REGULAR MEETINGSAN FRANCISCO
PUBLIC LIBRARY

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 7, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF JANUARY 17, 1985

Approval of minutes of the meeting of January 17, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 151-85SHAWN CARBERRY vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Shawn Carberry in the sum of \$1,500.00 in San Francisco Superior Court No. 803-414 entitled "Shawn Carberry vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 152-85ELIZABETH MULLAR-AGNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Mullar-Agna for Daniel B. Mullar in the sum of \$237.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 153-85ABC TOWING (NELSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Nelson) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 154-85ABC TOWING (MEDEIROS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Medeiros) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 155-85ABC TOWING (HALE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hale) in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 156-85PAUL C. McBRIDE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul C. McBride in the sum of \$76.25 as the result of a faulty tow, be, and the hereby approved.

Date of Incident: December 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 157-85ABC TOWING (R. MILLER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (R. Miller) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 7, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 158-85JAMES WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Wong in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 159-85DINO VINTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dino Vinti in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 160-85JUANITA VINCENT & CALVIN COLLINS (OWNERS OF FALCON LIMOUSINE SERVICE, INC.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Juanita Vincent and Calvin Collins (owners of a Falcon Limousine Service, Inc.) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 6, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 161-85HARRIET G. MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harriet G. Moore in the sum of \$50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 162-85HAROLD MENZIES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold Menzies in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 163-85LOUISE MARET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louise Maret in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 164-85KATHERINE KINNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Katherine Kinne in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 24, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 165-84KAREN DEUTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Deuter in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 166-85ABC TOWING (TEYEMA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Teyema) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 167-85ABC TOWING (GIROUX)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Giroux) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 150-85ALPHONSO PHILIPS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of litigation of Alphonso Philips in the sum of \$6,450.27 in San Francisco Superior Court No. 801-275 entitled "Alphonso Philips vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 29, 1982

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

TRAVELING EXPENSE VOUCHER - APPROVEDRESOLUTION NO. 172-85

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Lieutenant Donald P. Carlson (Training Management Course)
(Santa Rosa, California)
(01/21/85 - 1/25/85)
(\$653.45)

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 173-85

RECOMMENDATION OF THE CHIEF THAT INSPECTORS ROBERT RAMES, DAVE GILLAM AND GARY FREDERICK, HIT AND RUN SECTION, BE AUTHORIZED TO ATTEND THE REMEDIATION FOR SKIDMARK ANALYSIS COURSE IN SACRAMENTO, FROM FEBRUARY 14th TO FEBRUARY 15, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Robert Rames, Dave Gillam and Gary Fredrick, Vehicle Hit and Run Section, be authorized to attend the Remediation for Skimark Analysis Course, conducted by Northern California Criminal Justice and Education Center in Sacramento, California From February 14th to February 15, 1985, is hereby approved; and be it further.

RESOLVED, that expenses in the amount of \$151.65 each for travel and subsistence will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 174-85

RECOMMENDATION OF THE CHIEF THAT INSPECTORS ROBERT RAMES AND DAVE GILLAM, VEHICLE HIT AND RUN SECTION, BE AUTHORIZED TO ATTEND THE ADVANCED TRAFFIC ACCIDENT INVESTIGATION/RECONSTRUCTION COURSE IN SACRAMENTO, CA FROM FEBRUARY 18 TO MARCH 1, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Robert Rames and Dave Gillam, Vehicle Hit and Run Section, be authorized to attend the Advanced Traffic Accident Investigation Reconstruction Course, conducted by the Northern California Criminal Justice and Education Center in Sacramento, California from February 18 to March 1, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$1,204.65 each for subsistence, travel and tuition will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 175-85

RECOMMENDATION OF THE CHIEF THAT CAPTAIN CHARLES BEENE AND LIEUTENANT JOHN GLEESON, TACTICAL DIVISION, BE AUTHORIZED TO ATTEND THE CRITICAL INCIDENT MANAGEMENT SEMINAR IN SACRAMENTO, CA ON FEBRUARY 20, 1985

RESOLVED, that the recommendation of the Chief of Police that Captain Charles Beene and Lieutenant John Gleeson, Tactical Division, be authorized to attend the Critical Incident Management Seminar, conducted by the California Commission on Peace Officers Standards and Training in Sacramento, California on February 20, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$66.00 each for subsistence are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

POLICE COMMISSION REPORT

Commissioner David Sanchez said that the Police Commission met this afternoon in Executive Session regarding Attorney-Client matters and no vote was taken.

Commissioner Jo Daly said she had a major report and then made the following statement: "This Commission sits not only as a civilian review board but is impowered by the Charter of the City and County of San Francisco to manage this police department. Yesterday, I, along with my fellow Commissioners, received a draft of the budget for our department for the next fiscal year. And I want you to know that before I dedicate three hours, that I have dedicated for the past five years in reviewing this budget, I have some serious questions which I think requires some serious answers. First of all, I need to know who okayed the raid on the Mitchell Brothers Theater last Friday night? I want to know if the Chief of Police approved it or knew about it in advance. I want to know if the Mayor approved it or knew about it in advance. I want to know what the motivation was that met such approval. I want to know how much this activity cost the taxpayers in dollars and cents and how many hours and how many officers were involved and I want to know if we paid overtime? This has been a very difficult week for our department and for our City. The number of armed robberies alone are a challenge but the rapes and the gang violence seem especially brutal during recent days.

So I communicate to you tonight as my public duty demands, what citizens from all walks of our city, including members of our own department, find so disturbing. I have received, correctly 51 phone calls. The most touching came from a 79 year old woman a native San Franciscan who lives on the avenues. She's scared to walk to the store, she doesn't go out at night anymore, and, she acknowledged, surprisingly, that our state of California had passed consensual sex legislation a decade ago. Not because California approves of Gay Rights or Prostitute Rights but the consensual adult behavior legislation was passed 10 years ago because the citizens of this state truly believe that the police have better things to do with their time. I have been informed that the people of the City, and I must say, not from the gay community as they expect this behavior, but the people of the City who really think the San Francisco Police Department may have better things to do as well. She says she does not approve of pornography or sex shows but she pointed out that they seem to be dying out on their own volition. And she used Times Square in New York City as her best example to me. Because adults may now go rent video tapes, take them home, enjoy them on their own away from what she calls scuzzy districts and theaters. And to quote her, she said: "By golly, that isn't the worst of crimes". Twelve years ago I took part in a study of this Police Department through the Whitman Radcliffe Foundation and what we did was study the return rates on Part I and Part II Crimes. It was then that I discovered that our officers, under cover, were engaged in the occupation of renting expensive hotel rooms and calling the Berkeley Barb advertizements and arresting those who responded. One Officer told me at that time, he said, "you know it is not proud work. I can't go home and tell my kids what I do." Well, I think our 79 year old example and myself and the rest of this Commission want this department to do proud work and that's all we need this department to do. So I ask these statistics out of deep respect, deep love, for you, the administration, for the Chief of Police and for this department. But, I really feel we should be doing proud work and I want that know before we review this budget how much money that cost our taxpayers. Thankyou."

Commissioner Sanchez then asked Deputy Chief George Eimil who was sitting in for Chief Cornelius Murphy if he wanted to make a response at this time. Chief Eimil said he would get the information for the Commissioner. Commissioner Sanchez said it was his understanding that there will be a continuation of the investigation pertaining to the situation that Commissioner Daly has cited that it will be forwarded to the Commissioner along with the additional questions that has asked pertaining to that event.

Commissioner Thomas Hsieh said that he would not add any comment to that but he just wanted to know from Captain Michael Brush who is present tonight if he would be making any comments about the Police Academy. He said the reason he asked is that a couple months ago he requested that The Commission be given a chance to know about the current activities on going at the Police Academy. He said The Commission would like to know as they have been receiving some problems as seen from a review of the recent cases presented to the Commission. He said this would give The Commission an insight as to the curriculum and the kind of programs undertaken in the academy.

He said the Chief assured him that the Commission would receive a report by the Commanding Officer probably before the Budget review regarding the facilities.

Captain Brush advised Commissioner Hsieh that he would have lieutenant Carlson with him next week and the report that Commissioner Hsieh is expecting will be presented to The Commission at that time.

Captain Brush said he just wanted to explain to the Commission that about two months ago the Chief changed the command structure and placed the Field Training Officer Program (FTO) under his command under personnel and training so that a recruit from the day that he applies for the job through the academy and through his entire probationary period he will be under the training division so that he would have continuity of training and personnel will be able to keep track of his progress throughout until he has finished the probationary period. As you know, he said, the probationary period has been extended from 12 months or 52 weeks to a maximum of 84 weeks. He said this would allow them to start some people earlier, when there is no academy class, to get them acclimated by putting them in communications or in the property Clerks Office or likewise where as they couldn't do that before because of the 12 months ending before the conclusion of their training cycle. He said the recent Charter change extended the probationary period to almost double so that now it is almost a year after they complete the FTO Training. He said since it was changed to where it is now they have started a new unit called the remediation unit and that unit tracks, both in the academy and in the FTO Program. Officers who have trouble or who are falling down in a certain area and provides them professional help through specialized training. He said this also helps them to keep up with the goals of the Consent Decree because at one time about four months ago they were almost stopped by the Federal Court from proceeding with any academy class because they were out of balance regarding the minorities and the females starting class. However that was quickly corrected he said. He continued by saying that also when the FTO analyzes the officers work in this program and makes a recommendation to the Chief on whether the cadet should be terminated or be placed into what has now been instituted as Phase III, which is an additional remediation facet if the department feels that they are salvageable, as by this time \$40,000 has been spent on them. He said at the end of this Phase III, if those recruits do not pass it they will recommend to the Chief to proceed with the termination.

Commissioner Alfred Nelder said it appears that the Commission's directive has been misunderstood. He said what he really wanted was a report on the FTO Officers not necessarily on the recruits. Any adjustments, he said, the Academy has made to enhance, or embellish, the recruits performance is of course excellent. He said but what he wanted was a report on the FTO Officers beginning with the selection process.

Lieutenant Alan Mould, Officer In Charge of the FTO Program said that in his written report submitted to The Commission he outlined the selection criteria that they used for selecting new training officers. He said in fact this week they are selecting approximately 35 new training officers. He said the basic requirements are that the officers have to be willing to commit themselves to one year of training.

Also, he said, they must have three years of Patrol Experience before they can train a recruit officer. He said they recruit department wide by issuing teletypes, information bulletins which reach all department units announcing they recruitment drive. He said once the officer submits an application the FTO requests or send a supervisors evaluation report to the prospective applicant's present Sergeant. He said the Sergeant then responds on a standardized report form that is used in the FTO Program commenting on the candidates qualifications as an officer, their relationships with citizens, their ability to perform the job task of a patrol officer, knowledge areas and etc. He said they also check their Office of Citizens Complaints (OCC) and Management Control records, disability and use of sick time. He said they are then scheduled for an oral interview conducted by active field training officers usually consisting of one sergeant and two field trainers who are currently active in the program. He said the recommendation of the oral review board are subject to his review and he makes the final recommendation regarding the officer's acceptance into the program. He said the list of final applicants is submitted to the administration for final approval prior to them attending the field training seminar.

Commissioner Nelder then inquired as to whether there were background checks done on the applicants. Lieutenant Mould said there is a background check of OCC files and Management control files and also with the personnel department basically to determine how much disability time and sick time the officer used and that is pretty much the extent of the background check.

Commissioner Nelder then asked if there were any efforts to acquire those officers with the ability to teach. Lieutenant Mould stated that before the Officers are sent to the seminar part of the process involves the oral interview board asking the officers questions regarding how they view their abilities as teachers, would they be able to train people from various backgrounds and also ask if they have had any practical experience either working in little leagues or outside the department teaching. He said they try to get into any teaching abilities they have had in the past. He said the FTO Office feels that in the 40 hour seminar they will be able to teach people how to train recruit officers.

Commissioner Nelder then inquired as to whether there was any in-service training for the FTO's aside from the seminar. Lieutenant Mould said that the FTO Staff closely monitors the training that occurs on a bi-weekly basis. He said they meet with the training officers and the Sergeants of the FTO's at the Field Training Office to discuss the recruits progress and they also give information back to the training officers if they see some problems in either the way they appear to be instructing the recruits or perhaps a documentation isn't the best or the way the FTO Staff would like to see the documentation. He said that also at the end of each training cycle they receive reports from the recruit officers that the FTO has just trained basically critiquing the FTO's ability as a training officer. He said at the end of the program he evaluates these as they come in on a monthly basis. He said they do council the FTO's regarding their abilities as training officers if they see problem areas.

Commissioner Nelder said that was somewhat of a review of what they were doing but what he was referring to was a real in-service training program for FTO officers to bring them up to date on the status of the state arts. He said he would like to leave at this point with this suggestion and the captain should be the one to pursue this and report back to the Commission after he confers with the Chief. He said he would like them to consider raising the status of the FTO Officers. He said for instance, he would like to see a permanent group of trainers. He said the value here would be that they would become very proficient in imparting the knowledge the Department would want the recruit to know. That would be the Status, he said; secondly, or the second point would be the permanency and then recruit into this permanent group of trainers instead of what they are doing now to recruit. This, he said is what he wanted them to study out and report back on. He said thirdly he felt that there should be some positive remuneration for the FTO Officer so that it would fit the so-called permanency and status that he is speaking about. He said he would also ask them to consider a consistent form of in service training so that they would always ask them to consider a consistent form of in service training so that they would always be up on the state of the arts as far as training recruit officers are concerned and this should happen at least three or four times a year or more frequently if they so desire. Lastly he said, he felt the span of control is too large. Thirty officers for two or three Sergeants simply isn't enough to complete an overview of those training officers.

Commissioner Thomas Hsieh said that he has been very disturbed as he finds that there are a large proportion of the recruits getting flunked out of the FTO Program after they successfully complete the Police Academy and they happen to be mostly minorities.

Captain Brush said it may seem like that but Lieutenant Mould swears up and down to him that there is no racial impact on the termination. He said the last class that went through was the most ever that had problems. He said four were terminated and four went through into Phase III. He said those were people who were from the bottom of the list and they expect them to not do as well as others. He said the two classes they have in now are from the last list and are from the very top of the list and no one is expected to be terminated.

Commissioner Hsieh said that he was happy to see the change but it has been a consistent pattern that minority recruits somehow get thrown out. He said the Commission receives these reports and don't want to think that there are problems of this nature. He said he hoped this pattern can be somehow reversed.

Commissioner Daly mentioned the fact certain recruits who had criticized their FTO Officers had prior to that criticism received good grades but thereafter were graded so low that they were dropped from the program and either had to resign or be terminated from this Department.

Commissioner Sanchez said after the end of the discussion that he wanted to thank, again, Commissioner Nelder who two weeks ago asked that this report be made a part of The Commission's Agenda tonight. He said also there will be another report regarding academy training next week.

He said he would also like to request as Commissioner Hsieh did for some data which has been reviewed and questioned pertaining to ethnicity both in reference to the FTO Program and attrition or re-cycling and in that regard would request that Mr. Ray Wong of the Consent Decree be present at that time so that he may provide The Commission with some valid information to justify or not justify some of the statements that have been made.

Deputy Chief George Eimil sitting in for Chief Cornelius Murphy, said the Chief is in Fresno attending a Chiefs of Police Convention and he will return tomorrow afternoon. He said that in response to some of the comments made by Commissioner Daly he had some information on what occurred and how the raid at the Mitchell Brother's theatre went down. He said the Lieutenant at Vice Crimes Division shortly after coming to work on the day that the incident occurred received a complaint regarding the performance at the Mitchell Brothers. Together with several other officers he went to the Theatre where they presented their identification to get in and went to the location where the complaint had been received. There he said, they observed Marilyn Chambers in the audience. He said while she was in the audience at least 15 persons either inserted their finger into her anus or her vagina and several engaged her in oral copulation. He said because of these actions the officers were faced with a violation of the law, lewd act in a public place and were compelled to make an arrest. In order to make the arrest, he said, they did summon other officers to assist them. He said in response to the other question Commissioner Daly had, "Did the Chief know?" He said the Chief did not know. "Did the Mayor approve?" He said the Police Department does not contact the Mayor's Office before these types of arrest are made. He said he did not feel that the Mayor or the Chief or any police officer can condone violations of the law. He said as far as the amount of money in overtime spent to make this arrest he said that information is not readily available.

Commissioner Daly responded that she had received information from some people who were in the audience that some undercover officers had been in the audience long before what Deputy Chief Eimil was describing and that a certain code was called and instead of the City's Officers being out on the street and protecting the people from great crime at least 12 to 15 converged on the Mitchell Brothers Theatre.

Deputy Chief Eimil said that the only facts he has at this time is that they were responding there on a complaint, there were just three officers and that they showed their stars to get in. He said after they observed what was going on, violations of the law, they felt they had to take the action they took, and when they announced the arrest was going to be made people began rushing out of the theatre. He said Marilyn Chamber's Body Guard was there armed with a .45 caliber pistol on his person and someone may have called for Officers needing assistance but once they did respond and the situation was brought under control they went back on patrol.

After further discussion in which Deputy Chief Eimil assured Commissioner Daly that he would obtain for her and the other Commissioners a complete report on the issue. Commissioner Sanchez then asked Deputy Chief Eimil if he had anything else to add under the CHIEF'S REPORT TO THE POLICE COMMISSION? Deputy Chief Eimil responded in the negative and Item #7 was called.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER I-3,
"CITATION RELEASE POLICY AND PROCEDURES"

Commissioner Alfred Nelder said that he had read through the Order and felt that it was very good but there is no place in the order that says that the lieutenant or the Commanding Officer shall make an effort to talk to the arrestee. He said he felt that sometimes if there is a problem with personalities it would be wise in minor cases to have the Commanding Officer talk to the arrested person explaining the situation in an attempt to gain his/her cooperation. He said he would make a motion to amend the order to that effect.

Commissioner Burl Toler seconded and it was unanimously approved.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER I-14,
"TRAFFIC CITATIONS"

Commissioner Alfred Nelder said he would be making the same motion on this item as that of the previous. This was seconded by Commissioner Daly and unanimously approved. Both orders will be calendared with above amendments at a later date.

NOTIFICATION AND FILING OF CHARGES AGAINST RECRUIT
OFFICER RICHARD WOO, POLICE ACADEMY

RESOLUTION NO. 148-85

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Recruit Officer Richard Woo, Police Academy as follows:

CHARGE NO. 1

Failure to acquire and maintain a working knowledge of all information required to perform the duties of a police officer (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department)

CHARGE NO. 2

Failure to perform assigned duties promptly and according to Department procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Recruit Officer Richard Woo, Police Academy, is set for Thursday, February 14, 1985 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER PETER GAMINO, CENTRAL STATION

RESOLUTION NO. 149-85

OFFICER PETER GAMINO, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Officer Peter Gamino, Central Station, as follows:

CHARGE NO. 11

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department)

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Peter Gamino, Central Station, is set for Thursday, February 14, 1985 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

HEARING OF POLICE SERGEANT RICHARD J. BRAUN, INGLESIDE STATION

The hearing of Sergeant Richard J. Braun, Ingleside Station, was called it having been set for this date. Sergeant Richard J. Braun was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment and being fit to perform duty (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Sergeant Richard Braun appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins.

An opening statement was made by Mr. John Prentice. An admission to the allegations were entered on behalf of Sergeant Richard Braun.

The charges against Sergeant Richard J. Braun were then read into the record.

The following named witnesses appeared for the Defense, were sworn and testified:

- | | |
|-----------------------------|-----------------------|
| Sergeant Richard J. Braun | Ingleside Station |
| Lieutenant Alan B. Mould | Field Training Office |
| Captain Michael Lennon, Jr. | Ingleside Station |

Attorney John Prentice, on behalf of Sergeant Richard Braun, made a plea of guilty to the charges.

The Commission took the matter under submission and thereafter accepted the plea of Sergeant Braun.

Based on those findings, The Commission requested a recommendation from Acting Chief of Police George Eimil. It is the recommendation of the Acting Chief of Police that Sergeant Richard J. Braun be suspended 90 days which would be held in abeyance on the condition that Sergeant Braun be suspended for 15 days and join the San Francisco Police Department General Order D-4 Program and serve a one-year probationary period.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 232-85

WHEREAS, on November 29, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Sergeant Richard J. Braun, Ingleside station, as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment and being fit to perform duty (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department).

- (a) At all times herein mentioned, Richard J. Braun, Star No. 1269, was and is a police Sergeant employed by the San Francisco Police Department. Sergeant Braun is assigned to Company H - Ingleside Station;
- (b) As a Police Officer, Sergeant Braun (herinafter, the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (c) On November 4, 1984, the accused was assigned to the Field Training Seminar held at the Holiday Inn in Santa Cruz, California. The accused was required to be present at the orientation meeting for the Field Training Seminar which was held from 1900 until 2100 hours in the Holiday Inn conference room;
- (d) On November 4, 1984, at approximately 2100 hours, the accused arrived at the conference room, in an intoxicated state and was assisted to his room;
- (e) The accused, by failing to report for duty at the time and place of his assignment on November 4, 1984 and arriving intoxicated, has engaged in conduct which constitutes a violation of Rule A-4 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

and

WHEREAS, a hearing on said charges was held before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 7, 1985, and the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that said allegations contained in Specification No. 1, violation of Rule A-4 of General Order D-1 of the San Francisco Police Department are sustained by a plea of guilty by Attorney John Prentice on behalf of his client Sergeant Richard J. Braun; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission Orders that for said violations, Sergeant Richard J. Braun shall be suspended for 90 days, 70 of which will be held in abeyance providing that he serve a suspension of 20 calendar days commencing Sunday, March 22, 1985 at 2400 hours. After evaluation, Sergeant Braun shall join the Police Department General Order D-4 Program, with periodic reports of six months each to be submitted on his progress by his Commanding Officer. He shall also serve a three year probationary period.

Recess taken during the hearing of Sergeant Braun:
8:18 p.m. to 8:37 p.m.

(The entire proceedings were taken in-shorthand form by Ms. Linda Pransky, CSR.)

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

HEARING OF OFFICER CHARLES E. LARSON, CRIMINALISTICS SECTION - PHOTO LABORATORY

The hearing of Officer Charles E. Larson, Criminalistics Section/Photo Laboratory, was called it having been set for this date. Police Officer Charles E. Larson was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment (violation of Rule A-4 of General order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Charles E. Larson appeared in person and was represented by Mr. Michael Hebel, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Attorney Michael Hebel for the Defense.

The charges against Officer Charles E. Larson were then read into the record.

Attorney Michael Habel, on behalf of Officer Charles E. Larson, submitted an admission to the charges.

The following named witness was called by the Prosecution, was sworn and testified:

Captain Diarmuid Philpott Investigations Bureau

The following named witness was called by the Defense, was sworn and testified:

Officer Charles Larson -- Crime Lab/Photo Section

The Commission took the matter under submission, recessed and returned, and accepted the defendant's admission of guilty to the charges.

Based on those findings, The Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Charles E. Larson be suspended 30 days, said 30 days to be held in abeyance providing he or enter the Department's Alternative Punishment Program under General Order D-4, and serve a probationary period of one year.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 233-85

WHEREAS, on November 26, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Charles E. Larson, Criminalistics Section/Photo Laboratory, as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department).

- (a) At all times herein mentioned, Charles E. Larson, Star No. 639, was and is a police officer employed by the San Francisco Police Department. Officer Larson is assigned to the Criminalistics Section - Photo Laboratory
- (b) As a Police Officer, Officer Larson hereinafter, the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (c) On or about November 14, 1984, the accused was assigned to the Criminalistics Section - Photo Laboratory and scheduled to work from about 0800 hours until about 1600 hours;
- (d) The accused failed to report for duty at the time and place of his assignment on November 14, 1984;

(e) The accused, by failing to report for duty at the time and place of his assignment on November 14, 1984, has engaged in conduct which constitutes a violation of Rule A-4 of General D-1 of the San Francisco Police Department which states:

"Members shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties."

and

WHEREAS, a hearing on said charges was held before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 7, 1985, and the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that said allegations contained in Specifications No. 1, violation of Rule A-4 of General Order D-1 of the San Francisco Police Department are sustained by an admission to the charges as submitted by Attorney Michael Hebel on behalf of Officer Charles E. Larson; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that for said violations, Officer Charles E. Larson shall be suspended for 30 days, 20 days of which will be held in abeyance, providing that he serve a suspension of 10 calendar days commencing Saturday, April 13, 1985 at 0001 hours and ending Monday, April 22, 1985 at 2400 hours. After evaluation, Officer Charles E. Larson shall join the Police Department's Alternative to Punishment Program under General Order D-4. He shall also serve a one-year probationary period.

Recess taken during the hearing of Officer Larson:

8:53 p.m. to 8:59 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR).

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

STATUS REPORT IN THE MATTER OF POLICE OFFICER CORBETT F. DICKEY, PARK STATION

HEARING OF OFFICER CORBETT F. DICKEY, PARK STATION

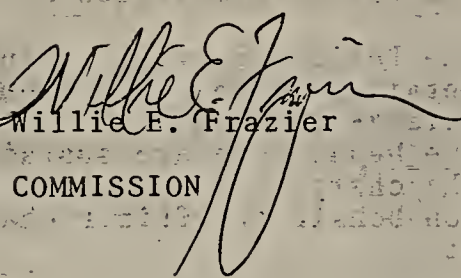
Official Order Commanding Your Attendance at the Police Commission Hearing on February 14, 1985 at 5:00 p.m. Room 551, Hall of Justice.

At the Police Commission meeting of February 7, 1985, the matter pending against Officer Dickey in connection with an incident of December 4, 1985, was called and it was noted that Officer Dickey was not present. It was brought to the attention of The Police Commission that Officer Dickey had been ordered by Chief of Police Cornelius P. Murphy in a letter of January 29, 1985, to attend The Police Commission hearing of February 7, 1985.

Please be advised that the Police Commission is officially ordering Officer Dickey's attendance at the Police Commission hearing on February 14, 1985 at 5:00 p.m. If Officer Dickey does not attend this meeting, the charges pending against him in the matter of C-45-90 will proceed with or without you as scheduled. Matter C-45-11 which was heard on November 15, 1984, will also be on for review at the above stated date.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

THE MEETING WAS THEN ADJORNED AT 9:13 P.M.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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FEBRUARY 14 1985

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 14, 1985 at 1630 hours in a Special Meeting in Closed Session.

FEBRUARY 14 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 14, 1985 at 1700 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF JANUARY 24, 1985

Approval of Minutes of the meeting of January 24, 1985. The Commissioners having receiving, amended and returned copies of same.

RESOLUTION NO. 176-85

RON SANTIAGO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Santiago in the sum of \$122.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 177-85

LIDIA ESCOBAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lidia Escobar in the sum of \$110.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 178-85

ANDREW JOE YUKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew Joe Yuke in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 179-85

CHRISTY BOOZE

RESOLVED, that recommendation of the City Attorney for settlement of the claim of Christy Booze in the sum of \$87.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

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RESOLUTION NO. 180-85

ANDREA C. DOSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrea C. Dose in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 186-85

ABC TOWING (FIELDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fields) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 187-85

ABC TOWING (ARNOLD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Arnold) in the sum \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 188-85

TERI JEAN HOYT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teri Jean Hoyt in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 189-85

CHARLES LEBEDEFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Lebedeff in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 185-84ABC TOWING (SCURRY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Scurry) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 186-85ABC TOWING (FIELDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fields) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 187-84ABC TOWING (ARNOLD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Arnold) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 188-85TERI JEAN HOYT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teri Jean Hoyt in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 189-85CHARLES LEBEDEFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Lebedeff in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 190-85

AL WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Al Wong in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 191-85

MARYANN OSMOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maryann Osmond in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 192-85

BETH (RONNIE) KATZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beth (Ronnie) Katz the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler
Sanchez

RESOLUTION NO. 193-85

MARCI MULL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marci Mull in the sum of \$60.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler
Sanchez

RESOLUTION NO. 194-85

EUGENE K. YOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene K. Yoo in the sum of \$56.70 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 13, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler
Sanchez

RESOLUTION NO. 195-85WILSON YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wilson Young in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 196-85RON WALTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Walter in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler Sanchez

RESOLUTION NO. 197-85VICTORIA ANN TUORTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Ann Tuorto in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler Sanchez

RESOLUTION NO. 198-85ELBERT E. SIGAFOOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elbert E. Sigafos in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 25, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler Sanchez

RESOLUTION NO. 199-85PHYLLIS A. ROJEM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Phyllis A. Rojem in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler Sanchez

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RESOLUTION NO. 200-85

JONATHAN MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Miller in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 201-85

MILES HIRSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miles Hirson in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 202-85

MALCOLM B. GOULD JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Malcolm B. Gould Jr. in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 203-85

BRETT M. GLADSTONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brett M. Gladstone in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 17, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 204-85

DAVEY ENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Davey Eng in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 205-85FREDERICK J. CHAPMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frederick J. Chapman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 206-85NIELS E. BRANDSTRUP, M.D.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Niels E. Brandstrup, M.D. in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 207-85DOUGLAS G. BECKNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas G. Beckner in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 208-85WILLIAM ANDREWS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Andrews in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 209-85CAROLYN MADERE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Madere in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 210-85

MIMI L. KEON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mimi L. Keon in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 211-85

SHERRY M. DENHAM

RESOLVED, that the recommendation of the City Attorney of the claim of Sherry M. Denham in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 212-85

PAUL CURTIS

RESOLVED, that the recommendation of the City Attorney of the claim of Paul Curtis in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 213-85

ABC TOWING (SAWYER)

RESOLVED. that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Sawyer) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 214-85

LARRY COTTRELL

RESOLVED, that the recommendation of the City Attorney for settlement of claim of Larry Cottrell in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 215-85ABC TOWING (FIELDS JR.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fields Jr.) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 216-85SONIA TRUJILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sonia Trujillo in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 217-85JOHN S. REITER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John S. Reiter in the sum of \$53.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 218-85MICHAEL B. WELSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael B. Welsh in the sum of \$35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 8, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 219-85GUILLERMO CARBALLIDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Guillermo Carballido in the sum of \$43.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

RESOLUTION NO. 220-85

GINO CORTEZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina Corteza in the sum of \$384.16 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 13, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler,
Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder in addressing the Chief advised him that during his absence last week the question of the Mitchell Brothers Marylynn Chambers arrest took place and he (Commissioner Nelder) had had an occasion to study that case and also the ramifications that were involved on that night that the arrest occurred. He said in his opinion there was more than reasonable cause to make that arrest. He said he thinks that perhaps some people were mis-informed and he would suggest to the Chief that it might be good if the Chief would send a copy of the arrest report to the Editors of the local dailys as it appears they may not have all of the information that is contained in the arrest report. He said however, he has some questions about the arrest that was made last night on Mr. Warren Hinckle of the Chronicle on a traffic warrant.

Chief Murphy said that the matter was not difficult to explain. He said the officers executed a lawful arrest warrant. He said he did not have any problems with the legality of the arrest but he felt in light of the ramification of the totality of the circumstances the timing was in poor judgement. He said all that it accomplished was to add more fluid to an already flaming fire. He said the down side of this issue is that the Police Department through legislation at the Board of Supervisors no longer has the power of issuing permits to porno movie houses throughout the city and county of San Francisco. He said it is not necessary for an individual officer to clear an arrest with him personally and he also said he wanted to add that the Department does not clear any arrest with the Mayor. He said this is a department run by the Police Commission and the Chief of Police and police officers have authority to make arrest when appropriate. He said it all boils down to judgement and if the Mitchell Brothers case had been brought to his attention having the knowledge that legislation regarding this type of theater activity was before the Board of Supervisors the following Monday, he would have opted to defer that arrest at that particular time. He said the arrest of Mr. Hinckle was a lawful arrest but the timing was poor. Commissioner Nelder followed stating that it certainly was lawful but in his opinion that kind of conduct lends itself to serve criticism of the Department particularly when there are over 75,000 serious felonies happening in San Francisco yearly and two burly officers go out to serve a traffic warrant when a phone call could have settled it. Chief Murphy then explained the circumstances of the arrest and reiterated that it was poor judgement on the part of the officers. He said he would defend to the death the right to make the arrest but he could not defend poor judgement.

Chief Murphy said he has made this statement before and he would do so again at this time and that if Mr. Hinkle feels that there is a vendetta from the Department against him then he would encourage him to go to the Office of Citizen Complaints and register a complaint.

After further discussion Commissioner Sanchez said that for the Commission and for a number of people present tonight, this matter is not closed. He said the Commission had requested, early this afternoon, to have the Director of OCC to conduct a comprehensive and full investigation pertaining to action taken, whether or not something was entered in the computer and whether or not A, B or C happens, the Commission really can not comment until it has all of the evidence before it and at that point rule. When the Commission has this evidence the findings will be made public, there will be statements made and at that point the Commission can look at the policies and procedures of the SFPD to insure what the Chief has just stated in that there have been major efforts to insure uniformity of law enforcement in this city.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Report.

SETTING OF DATE FOR HEARING OF RECRUIT OFFICER RICHARD WOO,
POLICE ACADEMY

RESOLUTION NO. 222-85

WHEREAS, the date to be set for hearing of the disciplinary charges filed against Recruit Officer Richard Woo, Police Academy, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing before The Police Commission be March 28, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Recruit Officer Richard Woo, Police Academy, is set for Thursday, March 28, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF OFFICER PETER GAMINO,
CENTRAL STATION

RESOLUTION NO. 221-85

WHEREAS, the date to be set for the hearing of the disciplinary charges filed against Police Officer Peter Gamino, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing before The Police Commission be set for March 14, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Peter Gamino, Central Station, is set for Thursday, March 14, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioners Sanchez

STATUS REPORT ON THE POLICE ACADEMY

Captain Michael Brush said to the Commission that tonight Lt. Carlson, commanding officer of the Police Academy will give a presentation on the Police Academy and Ray Wong, head of the Cosent Decree will answer any questions the Commission may have. He continued by saying that he wanted to bring up one thing before Lt. Carlson speaks. He said Commissioner Nelder had requested him to look into some aspects of the Field Training Officer Program and he would like to give the Commission some basic statistics. He said many of the problems occurred in the program because of the 1,100 people that have rotated through the academy and FTO in the last few years. He said at the end of 1985 that will come to a complete halt and thereafter there will be academy classes and FTO classes of about 10 people each. He said at that time they will have as Commissioner Nelder recommended a core of professionals, highly trained staffs of the academy and FTO. He said at the end of this year there will be 1100 officers in the Department that will be eligible for retirement in about 25 to 30 years. He said therefore the turnover in personnel will be very slim. He said at the present time there are two Q2's in the Department with over 30 years, 27 with over 25 years, and 39 with over 20 years. This, he said, is a very small percentage overall that are currently eligible for retirement. He continued by saying that of the 50 new Lieutenants that were hired none have over 30 years, none have over 25 years and only 11 have 20 years. He said maybe in the next 5,6,7, or 8 years maybe 11 will retire and the others will not be eligible to retire. He said the Department only has 2 captains with over 30 years, 6 with over 25 years and throughout the entire department attrition is coming to a complete halt.

Commissioner Hsieh said that he wanted to thank Captain Brush for a very good report. He said one area he felt the Captain should look in to is the final assessment of the officers performance through the FTO program. He said there is some disputed areas in the performance graphs especially in the grading of 3's and 4's. And some of the recruits become victims of this so called scientific graph.

He said he felt that the graph is not a very fair way of determining if the recruit meets the standards of the Department. He said his concern also is the fact that recruits are graduating from the police academy in ceremonial programs and before family and friends and then 14 weeks later being dropped out of the department by the FTO Program. He said the Department should like into including the FTO Program as a part of the Academy program and only hold a ceremony of graduation after completion of both programs.

Chief Murphy said that in the past the programs, Academy and FTO were under two different divisions in the Department. He said recently the administration of the total program was placed under the Deputy Chief of Administration and now Captain Brush is in overall charge of both programs and now standards will in fact be the same.

Lieutenant Don Carlson Commanding Officer of the Police Academy then addressed the Commission on the Status of the Police Academy. He said he had submitted a package of written materials to the Commissioners prior to the meeting to provide insight into a lot of different areas of the Police Academy. He said they currently have 22 people on staff and as of this coming March they will be submitting 90 day plans as to what they are going to do involving all levels of training in the Department. He said their goal is to make the Department the most highly trained in California, qualitative not quantitative.

He said they are now putting together a Department Wide Training Plan which the Department has never had before. He said this would force each unit in the Department to come up with its own unit training plan. He then gave the Commission a day by day curriculum of what a recruit would face during his stay in the academy.

After listening to Lieutenant Carlson Commissioner Sanchez advised him that the Commission would like to pursue the written materials that he has just submitted and request that he return at the next Commission meeting for a final follow up report at that time.

Mr. Ray Wong, the Consent Decree coordinator then addressed the Commission. He said part of his responsibility in the scheme of things is to track the applicants all the way through the testing process, the academy, FTO and ultimately make appropriate reports to the Federal Court. He said when the Consent Decree was implemented in 1979 the Department had 1590 officers. He said as of 9/30/84, which is the latest date on their quarterly report, the end of the year date should be currently coming, but, he said, it is currently heldup at the Controllers EDP, the Department had 1946 officers on board and is a growth of approximately 23%. He then gave a statistical breakdown of the racial makeup of the Department. He said that the success rate at the academy as far as minorities are concerned indicate that they succeed at 96% of the rate that non-minorities do and women at 93%. He said in the FTO program minorities succeed at 94% of the rate that non-minorities do and women at a lower rate of 85%. Commissioner Hsieh after listening to the statistical presentation of Mr. Wong took issue with the numbers and said he did not feel they were accurate in the way they were compiled.

Commissioner Sanchez then interverned and advised that it was difficult to identify certain statistics without the written material before them. He then said they would continue this matter for two weeks and then continue the discussion at that time.

RESOLUTION NO. 168-85

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE MR. JOHN A. BRANDI'S TAXICAB OWNER PERMIT

WHEREAS, Mr. John A. Brandi, is the owner of one (1) taxicab permit operating as Allied Cab Company at 1200 Minnesota Avenue, San Francisco; and

WHEREAS, the Chief of Police may suspend any permit when the business is conducted in an improper manner and upon investigation it was discovered that Mr. John Brandi, operated a taxicab in violation of the provisions of Section 1138 (1) of the Municipal Police Code and therefore was cited to appear at a Chief's hearing on the matter; and

WHEREAS, The Taxicab Enforcement Unit of the Permit Section has recommended revocation of both the permit and medallion, citing a violation of Section 1138 (a) of the Municipal Police Code on November 9, 1984 and a history of numerous violations since entering the Taxicab industry; and

WHEREAS, Inspector Robert Parenti testified that Mr. Brandi refused to convey two blind persons and their guide dogs at the Greyhound Bus Depot, 50-7th Street, at 5:00 p.m. on November 9, 1984. During investigation of the complaint emanating from the incident, Mr. Brandi advised the Inspector that he had refused the fare because cabs are for people, not dogs. Inspector Parenti also reported that Mr. Brandi has a

history of fourteen violations of the law and taxicab regulations since 1970. Four (4) of these violations resulted in lengthy suspensions of his permit; and

WHEREAS, at the Chief's hearing, the Chief of Police did find that Mr. John A. Brandi violated the provisions of Section 1138 (a) of the Municipal Police Code and recommended that Mr. John Brandi's permit, operated with the Allied Cab Company, be, revoked; and

WHEREAS, Mr. Howard Boteilho testified that he and his wife both of whom are blind and utilize guide dogs, attempted to engage Mr. Brandi's Cab at 50-7th Street at 5:00 p.m. on November 9, 1984. He related that Mr. Brandi refused to convey, advising him that the cab was not large enough for two persons and two dogs. He also refused to identify himself or his company. Mr. Boteilho was advised of the company and vehicle number by an unidentified witness to the incident; and

WHEREAS, Mr. Brandi was personally advised by Inspector Parenti that a Hearing of this complaint would be held on Tuesday, January 8, 1985. Mr. Brandi then requested and was granted a continuance to Tuesday, January 15, 1985. He failed to appear and the matter was heard in abstentia; and

WHEREAS, the matter was brought before The Police Commission on Thursday, February 14, 1985 for hearing on the Chief's recommendation; and

WHEREAS, The Police Commission finds that Mr. John A. Brandi violated the provisions of Section 1138 (a) of the Municipal Code; therefore be it

RESOLVED, that it is the Order of The Police Commission that Mr. John Brandi's taxicab permit, Permit No. 515/doing business as Allied Cab Company, shall be suspended from operation for a period of 90 days commencing on Tuesday, February 19, 1985 to and including Sunday, May 19, 1985.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 169-85

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION SUSPEND MINNIE O. AARON'S JITNEY BUS PERMIT #34

WHEREAS, Ms. Minnie O. Aaron, is the owner of one (1) jitney bus permit operating on the Mission Street Route; and

WHEREAS, the Chief of Police may suspend any permit when the business is conducted in an improper manner. Upon investigation it was discovered that Ms. Minnie Aaron operated jitney bus in violation of the provisions of Section 1088, which requires the permit holder to renew by written application the Jitney Bus Permit each year prior to December 15. Ms. Aaron did not comply with this request until January 16, 1985, and only after she had received notice of the revocation hearing, before the Chief on the matter; and

WHEREAS, the Permit Section has recommended suspension of permit citing a violation of Section 1088 of the Municipal Police Code; and

WHEREAS, at the Chief's hearing, the Chief of Police did find that Ms. Minnie Aaron violated the provisions of Section 1088 of the Municipal Police Code and recommend that Ms. Aaron's permit be suspended; and

WHEREAS, Officer Lamont Suslow testified that Ms. Aaron has violated the provisions of Section 1088 five (5) times since 1979; and

WHEREAS, at the Chief's hearing, the Chief of Police did find that Ms. Minnie Aaron violated the provisions of Section 1088 of the Municipal Police Code and recommend that Ms. Aaron's permit be suspended; and

WHEREAS, the matter was brought before The Police Commission on Thursday, February 14, 1985 for hearing on the Chief's recommendation; and

WHEREAS, The Police Commission finds that Ms. Aaron violated the provisions of Section 1088 of the Municipal Police Code; therefore be it

RESOLVED, that it is the Order of The Police Commission that Ms. Minnie Aaron's Jitney Bus Permit No. 34, shall be suspended from operation for a period of 14 days commencing on Wednesday, February 20, 1985 to and including Tuesday, March 5, 1985.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECEIPT OF PROPOSED SAN FRANCISCO POLICE DEPARTMENT BUDGET, FOR FISCAL YEAR 1985-1986. CONTINUED TO FEBRUARY 21, 1985.

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION WHICH WILL BE FORWARDED TO THE CLERK OF THE BOARD OF SUPERVISORS REQUESTING PASSAGE OF PROPOSED LEGISLATIVE CHANGES IN THE CALIFORNIA GOVERNMENT CODE SECTION 26201

RESOLUTION NO. 170-85

PROPOSED LEGISLATIVE CHANGES IN THE CALIFORNIA GOVERNMENT CODE SECTION 26201

WHEREAS, the present Government Code requirements that Police Departments store duplicate copies of all traffic citations for twelve months is unnecessary; and

WHEREAS, the personnel time spent on processing, filing, and storage of duplicate records could be directed to more productive and necessary tasks; and

WHEREAS, access to copies of traffic citations will not be impeded; therefore be it

RESOLVED, that The Police Commission hereby request the Honorable Board of Supervisors to memorialize a change in the Government Code to the California State Legislature.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

At this time Commissioner Nelder in calling an item out of order made a motion to move the Hearing of Officer McCarthy to the 21st of February, 1985 at the regular time. It was seconded by Commissioner Daly and unanimously approved.

HEARING OF OFFICER CORBETT F. DICKEY, PARK STATION

The hearing of Police Officer Corbett F. Dickey, Park Station, was called it having been set for this date. Officer Dickey was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Corbett appeared in person and was not represented by counsel.

Attorney Jerry W. Akins, appeared as Prosecutor for the Prosecution.

An opening statement was made by Attorney Jerry Akins for the Prosecution.

The following named witnesses were called by the Prosecution were sworn and testified:

Officer John P. Nevin	Northern Station
Officer Michael D. O'Brien	Northern Station
Sergeant Ronald Akers	Northern Station

Officer Corbett Dickey was called by The Police Commission, was sworn and testified.

The Commission took the matter under submission, recessed and returned find that Charge No. 1 and Charge No. 2 are sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief that Police Officer Corbett F. Dickey, Park Station, be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 171-85

WHEREAS, on December 27, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Corbett F. Dickey, Park Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Corbett F. Dickey, Star 1628 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to Park Police Station serving a disciplinary suspension imposed by The Police Commission;

(2) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders, and procedures of the San Francisco Police Department;

(3) On December 14, 1984, at or about 0200 hours, the accused was off duty (on suspension) on Polk Street at the intersection of Hemlock Street in the City and County of San Francisco and there became involved in an incident with a citizen in which it is alleged that the accused struck the citizen several times without cause;

(4) At said time and place, the accused was identified as a San Francisco Police Department officer, was believed to be so intoxicated as to be unable to care for his own safety and was arrested for a violation of Penal Code 242 and 647. (f);

(5) By becoming intoxicated and striking the citizen without cause while being identified as a member of the San Francisco Police Department, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 2

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

- (6) Realleges and incorporates herein by reference as though set forth in full, paragraphs 1 through 4, inclusive from Charge No. 1, above;
- (7) In connection with the matters referred to above, the accused was ordered to submit
- (8) By refusing the order to take a test to determine the alcohol content of his blood, the accused has engaged in conduct which constitutes a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

and

WHEREAS, a hearing on said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 14, 1985, and on Thursday, February 14, 1985, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Commission finds that the allegations contained in Charge No. 1 and Charge No. 2, as preferred by the Chief of Police against Police Officer Corbett F. Dickey, Park Station, are sustained by a preponderance of the evidence presented. The Commission therefore adopts the language of said charges and its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Police Commission Orders the following discipline be imposed:

Charges No. 1 & No. 2 Termination
and be it further

RESOLVED, that said termination, effective immediately, be, be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

(The Entire Proceedings were taken in Short-hand Form by Ms. Linda Pransky, CSR.)

Recess taken during the Hearing of Officer Dickey:

8:40 p.m. to 8:45 p.m.

RESOLUTION NO. 248-85

STATUS REPORT IN THE MATTER OF OFFICER CORBETT F. DICKEY,
PARK STATION

WHEREAS, the status report in the matter of Officer Corbett F. Dickey, Park Station, was called it having been set for this date; and

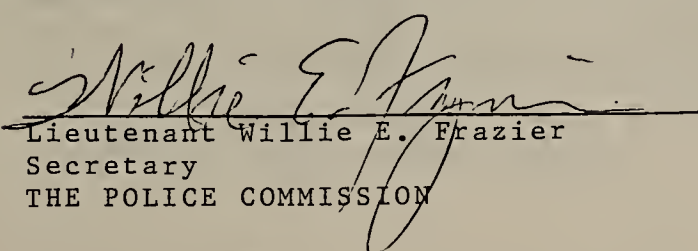
WHEREAS, Mr. Jerry W. Akins, requested a continuance in this matter; therefore be it

RESOLVED, the date for a status report in the matter of Officer Corbett F. Dickey, Park Station, is continued to Thursday, February 28, 1985 at 1700 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
Sanchez

At this Commissioner Nelder in calling an item out of order made a motion to move the Hearing of Officer McCarthy to the 21st of February, 1985 at the regular time. It was seconded by Commissioner Daly and unanimously approved.

THE MEETING WAS THEN ADJOURNED AT 1900 HOURS


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

FEBRUARY 21 1985 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 21, 1985 at 1500 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

1. Meet and Confer

Commissioner Nelder presiding.

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FEBRUARY 21 1985 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 21, 1985 at 1700 hours in Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

1. Attorney-Client Conference

Commissioner Nelder presiding.

FEBRUARY 21 1985 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 21, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

APPROVAL OF MINUTES OF THE MEETING OF JANUARY 31, 1985

Approval of minutes of the meeting of January 31, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 234-85

NEAL BLACK vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Neal Black in the sum of \$2,500,00 in San Francisco Superior Court No. 819-627 entitled "Neal Black, an individual vs. City and County of San Francisco" as the result of false imprisonment, be, and the same is hereby approved.

Date of Incident: November 8, 1983

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

RESOLUTION NO. 235-85STEVEN J. SHELDON

Resolved, that the recommendation of the City Attorney for settlement of the claim of Steven J. Sheldon in the sum of \$157.60 as the result of damages sustained, be and the same is hereby approved.

Date of Incident: December 8, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 1985-1986

Captain Willis Casey, addressed The Commission on this item and said as far as this year's basic budget it is simply a repeat of last year's. He said the first page tells of all the expenses, personnel and operating cost. He said the second part contains the Mayor's issues which are not included in last year's budget. He said the total budget as recommended by the Department is \$170,818,876.00. He said this is less than a 10% increase. He said the greatest amount of this is personnel cost and that deals with raises in pay for step increases in the patrolman's rank. He said the highest overall cost in the budget is for personnel wages which is 92% of the entire budget. He said the final draft will go to the Controllers Office on March 1, 1985.

Commissioner Alfred J. Nelder said he would suggest that it be continued for 1 week and vote on it at that time.

Commissioner Nelder then said he would like to announce that the Honorable Mayor Dianne Feinstein and Deputy Mayor Hadley Roff is present. He then invited her to address the Commission.

The Mayor said she would prefer to do this following the Chief's presentation.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Cornelius P. Murphy said the Department has had quite a bit of adverse publicity in recent weeks and he would like to simply state publicly and on the record that the vast majority of members of the Department are performing their duties in according with what they are paid to do. He said it is unfortunate to have had all of this embarrassing publicity against the Department as it is extremely unfair to the rank and file members who, on a day to day basis 24 hours of the day are putting their lives on the line for the people of San Francisco. He said, so, when he speaks about some of the negative things that have happened in the Department. It should be remembered that most of the members perform their jobs in an exemplary manner. And, he said, he wanted to commend them for their work. He said one of the things alluded to in the paper today by a columnist is that the Mayor is running this police department and he wanted to go on record stating that she isn't.

He said the Police Commission has the authority, under the Charter, to organize and manage the Department and under their direction he as Chief manages the Department on a day to day basis. He said the Mayor has never told him as to what he should do or what laws to enforce. He continued by saying neither the Mayor nor the Commission has never interfered with his ability to do the job. He said Police incidents such as the Lord Jim's Raid, the Rathskellar and articles written by columnist Warren Hinckle has made the Department look bad but there is something to be gained even in light of those things. He said this had been something the Administration has had to face and work with. The Administration, he said, and has met and conferred several times. A Re-Organizational proposal is going to move forward effective Monday. He said there will be a movement of the two Commanders, Commander Raymond Canepa will be in charge of the Metropolitan Division and Commander Gerald D'Arcy will be in charge of the Golden Gate Division. He said the Deputy Chiefs will be on duty on weekends on a rotating basis. He said he feels this is going to work and the order is long but what it says all in one word, and that is accountability.

Mayor Feinstein then addressed The Commission.

"Commissioner Nelder, Commissioner Jo Daly, Commissioner Thomas Hsieh, Commissioner Burl Toler, I want to take this opportunity to say some things to your Commission as Mayor to her Commission. And I also want to say some things about the San Francisco Police Department. You know there is an old adage, "When a dog bites a person it isn't news---When a person bites a dog it is big news." And to a great extent that is what we have seen in this department. And the problems the Department has had has seemingly overshadowed all of the good police work that goes on day after day, that you receive commendations about, that I receive commendations about and the Chief receives commendations about it. And if you think about it a good record has been built up to deserve these commendations. For example, for four years in a row, crime has gone down in this City. Despite added population, despite the problems, crime has gone down. The apex was in 1983 when it went down 10%. As a matter of fact in that year the Chief became the City's Department head of the year. Last year it was down 9%, 82-5%, 81-2%, so there has been a constant pattern of crime going down. Response time, which I should say Supervisor Nelder, my former colleague, you and I have often discussed. When I became Mayor response time to a crime in process was over eight minutes. That was the average response time throughout the City. It is now down to 2.2 minutes. That is an extraordinary jump. It hasn't just happened. It happened because the officers have cared. They have gotten out there, they've moved, our new methods have developed, we have achieved, the first time in the history of this Department where the Department has been at its fully authorized strength. A great deal of additional money has gone into the police department budget, and, the product of it is a young new, vigorous Department; so response time is down; I have to cite the fact that clearance rates are at an all time 82% high. Particularly the tough robberies, bank robberies as well; and I am very very proud of that.

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I want to tell you that I have received many letters of commendation, and I suppose, not only commendations, sometimes there are other things, and maybe that's a funeral of an officer who loses his or her life in the line of duty, when people really do appreciate the San Francisco Police Department. I think though that there is a problem and I think the Chief hit upon it. Young department dominately young, new department, back to back classes, officers coming in field training out on the streets, the pressures of the streets. And in some instances we have seen a lack of judgement. Now the Plan before you, and the reason that I am here, the Plan that you have already approved that's gone through meet and confer that will be implemented on Monday, cannot be underestimated in its importance. It is meant to provide this Department with a 24 hour a day, seven days a week command presence. First time it will have happened. That's what the Murphy Plan does. I think its extraordinarily important and I want you to know that I have an expectation, I want you to hear this from me directly. I expect results from this Plan and I want to share with you the results that I expect. There are important and substantive changes to increase supervision at both the station level and on the streets as well. I expect to see assertive leadership out on the streets. And I am going to ask you tonight, I want it to come from you, from the Chief, from the Commanders, from the Deputy Chiefs, from the Captains, from the Lieutenants and from the Sergeants. I am expecting to see them out on the streets and in the stations of San Francisco. These are not meant to be desk jobs, they are meant to be active leadership jobs. I am going to ask that this Commission, get out and actively monitor the implementation of this plan. Drop by the stations be out on the streets, I will! I expect to see the results in the form of added leadership on the street and I expect the people of this city to see the results as well. I want to make one final point and the Chief touched on it, and that point is the law. The law that is enforced is made by the legislature of the state of California and that law essentially decides what crimes there are on the books, the penalties, and it's this Department's obligation and yours and mine to support that obligation to enforce the law. I long ago decided and I believe it down to my core that there should be no selective enforcement of the law. The law should be enforced fairly and squarely across the board. I have never, will never intend, or will never make the slightest suggestion to your Commission or the Chief of Police as to what laws should be enforced in the City and County of San Francisco, and what laws should not be enforced to this honorable Commission, or to this Administration of the Department, nor will I ever. And I want to make that very, very clear. Essentially, I am here tonight to call upon your leadership, which you have exerted, in many many hours of hearings and I must say that there is not a harder working Commission in the City and County of San Francisco than this Commission seated here. I am well aware of the long hours, I am well aware of your major efforts to bring case back log up to the point where it is none existent and I want you to know that I appreciate it very very much. I am asking you now to take one more step and that is to get out there on the streets with me in the stations, on the streets and I expect that you will see everyone, with stars on his shoulders, stripes on his arms out on those streets as well.

I think if that is the case, and if the command presence is there through out the ranks, that we are going to find very fine supervision that is inherent in this Department. So, I want personally to thank you, to thank the Department, the men and women of the Department for the very very fine work. There have been problems, nothing excuses those problems, but the basic part of police work in this City has been done in a very admirable way. Crime statistics are reflective, response time reflects it, that robbery clearance rate reflects it and now what we've all got to do is work together to see that those problems are stopped once and for all. The Blue Print for that, the Blue Print for that is the Murphy Plan. And what I want to ask you to help me do, help the Chief do, is see that the Murphy Plan works! Thank you."

Commissioner Nelder then said he wanted to thank the Mayor for coming to the Commission meeting knowing that she has a terribly busy schedule. He said the Commission is certainly in agreement with everything she said and what she said about the Murphy Plan, the Re-Organizational Plan, the Commission is looking forward to it and feels that it will work and the Commission is going to do precisely what she suggest and that is to be out there to help make it work along with the Chief.

POLICE COMMISSION REPORT

Commissioner Thomas Hsieh said that at this time he wanted to make a motion that the reports on the Police Academy and Field Training Office (FTO) scheduled to be heard next week be continued for two weeks from this date. Commissioner Jo Daly seconded and it was unanimously approved.

Mr. Bob Barry President of the San Francisco Police Officers' Association said he would like to applaud the Mayor and the Chief for coming out very strongly and effectively in commending the men and women of this Department certainly deserve it and that this Department is one of the best in the country. He said the San Francisco Police Department has had some major major demonstrations, 125 some odd demonstrations in the last year with very few overall problems. He said and this has resulted in many commendations for the Department from all over the country.

PUBLIC DISCUSSION ON THE INVESTIGATIVE HEARING RULES OF THE OFFICE OF CITIZENS COMPLAINTS

Mr. Frank Schober, Director of the Office of Citizens Complaints (OCC) informed The Commission that they have before them the Rules as submitted. He said they met earlier today with Police Officers' Association (POA) representatives and they will be meeting and conferring again very shortly to get the unresolved points resolved and then submit to the Commission for final approval and public comments so that the OCC's Hearing Process will get underway.

Mr. Amitai Schwartz of the American Civil Liberties Union said that he also wanted to stress the time factor on the OCC.

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He said this is something that has come up from time to time and everyone has to be reminded that the OCC is now 28 months old. He said its mandate was passed by the voters in November of 1983 and 2 1/2 years since that time will have passed in just another couple of weeks. He said the OCC received 2431 complaints in 1984 alone and the unit is still talking about hearing rules. He said he was not advocating short cutting the meet and confer processes which the Department is obligated to do by State Law, but he said, he did want to stress to The Commission that the need for all deliberate speed passed long ago and to have 2400 complaints which still have not exited the process leads to a great deal of lack of confidence by the public, by the people who voted for it. He continued by saying that one major factor that is missing in the Draft OCC hearing rules is a direct statement that the finding of fact as they come out of the hearings and as they come out of the Director's office after this process, ought to be binding on the Chief of Police to the extent that they can be. He said if they are not binding them all concerned will have labored over a mountain and produced a molehill.

REQUEST OF THE DIRECTOR OF THE OFFICE OF CITIZENS COMPLAINTS THAT THE POLICE COMMISSION APPROVE A RESOLUTION ADOPTING AN OFFICIAL TITLE IN SUBSCRIPT UNDER THE CHARTER DESIGNATED NAME "THE OFFICE OF CITIZENS COMPLAINTS", ADDING THERETO "THE PROFESSIONAL STANDARDS AGENCY OF THE SAN FRANCISCO POLICE DEPARTMENT"

Mr. Frank Schober said this reflects admission in the Charter that the Office of Citizens Complaints (OCC) should make recommendations concerning policy and practices in the Department. He said this grant of power should be taken very seriously, it is a very important one and to his knowledge other Police Review Commissions with the exception of the one in Chicago does not have the same system. He said he thinks it will do two things, it will assist in making a positive role for the OCC and it would also make very clear what it is the OCC does.

Commissioner Thomas Hsieh said many members of the Department look upon the OCC and its name as a threat so he feels that this particular sub-title is very much fitting. He said he would like to see many more things of a positive nature in this regard.

Mr. Dana Van Gorder, an Aide to Supervisor Harry Britt said that he felt that there should be some better language because he did not feel it accomplishes what Mr. Schober is trying to do. He said if Mr. Schober is trying to get across a message to the public that there is a particular number people may call if they have a complaint about a particular officer's behavior, (Van Gorder) did not feel this would be the solution. Van Gorder said he would probably need about 15 minutes to come up with what he felt would be a better use of language.

He then requested that it be held over as he did not feel it was particularly important and he would be happy to try to suggest some other language.

Commissioner Hsieh said that he did not feel it would be held over. He said if someone comes up with a new suggestion in the next six months they would certainly entertain it so he said he would make the motion that it be adopted tonight.

Commissioner Toler said he would second that motion knowing that if it doesn't get over to the public The Commission can always change it.

Commissioner Nelder then advised Mr. Van Gorder that the Commission would go ahead with it tonight and if he comes up with a better idea then bring it back to the Commission and the Commission will consider it. It was then unanimously approved.

RESOLUTION NO. 266-85

MEET AND CONFER IN REGARDS TO THE INVESTIGATIVE HEARING RULES OF THE OFFICE OF CITIZENS COMPLAINTS, "THE PROFESSIONAL STANDARDS AGENCY OF THE SAN FRANCISCO POLICE DEPARTMENT"

WHEREAS, the Police Commission has been and anticipates continuing engaging in meet and confer sessions with the San Francisco Police Officers Association on matters centering around Rules and Procedures for Investigative Hearings to be conducted by the Commission's Office of Citizens Complaints; and

WHEREAS, it is the intention and policy of this Commission that such meet and confer sessions continue for the purpose of airing and resolving issues connected thereto;

WHEREAS, it also the intention and policy of this Commission that The Commission's Committee of One and the Director of the Office of Citizens Complaints and his staff remain available for and give top priority to, meeting and conferring with the San Francisco Police Officers Association until as many issues raised with regard to these rules and as practicable can be resolved; therefore be it

RESOLVED, that the Director of the Office of Citizens Complaints and his staff is hereby directed by this Commission to stand ready and to make himself and his staff available as often and for as long as necessary to meet with representatives of the Police Officers' Association for the purpose of airing and resolving issues that will improve the hearing process and enhance the reliability of the fact finding process; and be it further

RESOLVED, that it is the further express intention that the Director shall henceforth be designated to act as the duly appointed representative of The Police Commission.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

REQUEST OF OFFICER SCOTT G. QUINN, MISSION STATION,
FOR A LEAVE OF ABSENCE WITHOUT PAY FROM FEBRUARY 22,
1985 TO FEBRUARY 27, 1985.

RESOLUTION NO. 237-85

WHEREAS, Police Officer Scott G. Quinn, Mission Station, was suspended without pay effective at 1700 hours on October 5, 1984 pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Scott G. Quinn has requested a Leave of Absence Without Pay, January 2, 1985 through January 31, 1985 and February 1, 1985 through February 21, 1985, pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Scott G. Quinn, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of Six (6) days commencing February 22, 1985 through February 27, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder, Toler

ABSENT: Commissioner Sanchez

REQUEST OF OFFICER NIALL J. PHILPOTT, MISSION STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY FROM FEBRUARY 22, 1985, TO FEBRUARY 27, 1985

RESOLUTION NO. 238-85

WHEREAS, Police Officer Niall J. Philpott, Mission Station, was suspended without pay effective at 1700 hours on October 5, 1984, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Niall J. Philpott has requested a Leave of Absence Without Pay, January 2, 1985 through January 31, 1985 and February 1, 1985 through February 21, 1985, pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Niall J. Philpott, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of six (6) days commencing February 22, 1985 through February 27, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder, Toler

ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST SERGEANT GREGORY G. CLONEY, INGLESIDE STATION

RESOLUTION NO. 223-85

POLICE SERGEANT GREGORY G. CLONEY, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Gregory G. Cloney, Ingleside Station, as follows:

CHARGE NO. 1

Failure to report for duty at the time and place assigned (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to obey lawful orders of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to report for duty at the time and place assigned and failing to obey a lawful order of a superior which subverts the efficiency, good order, and discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).
by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Sergeant Gregory G. Cloney, Ingleside Station, is set for Thursday, February 28, 1985 at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Toler, Nelder
ABSENT: Commissioner Sanchez

HEARING OF OFFICER SCOTT G. QUINN, MISSION STATION,
FROM MEETING OF 1/17/85

RESOLUTION NO. 237/A-85

WHEREAS, the hearing of Officer Scott G. Quinn, Mission Station, had previously been set on February 27, 1985; and

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department that the matter be continued to February 28, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Scott G. Quinn, Mission Station, is continued to Thursday, February 28, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
ABSENT: Commissioner Sanchez

HEARING OF OFFICER NIALL J. PHILPOTT, MISSION
STATION, FROM MEETING OF 1/17/85

RESOLUTION NO. NO. 238/A-85

WHEREAS, the hearing of Officer Niall J. Philpott, Mission Station, had previously been set on February 14, 1985 to be heard on February 27, 1985; and

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department that the matter be continued to February 28, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Niall J. Philpott, Mission Station, is continued to Thursday, February 28, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
 ABSENT: Commissioner Sanchez

HEARING OF OFFICER MICHAEL D. McCARTHY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 239-85

HEARING OF OFFICER MICHAEL D. McCARTHY, SUPPORT SERVICE BUREAU/COMMUNICATIONS DIVISION

The hearing of Officer Michael D. McCarthy, Support Services Bureau/Communications Division, was called it having been set for this date. Officer Michael D. McCarthy was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to acquire and maintain a working knowledge of all information required to perform the duties of a police officer (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to perform assigned duties promptly and according to Department procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission ordered Chief of Police Cornelius P. Murphy to withdraw the charges and send Officer Michael D. McCarthy, Support Services Bureau/Communications Division, to Field Training Officer Program, Phase III; therefore be it

RESOLVED, that charges filed against Officer Michael D. McCarthy, Support Services Bureau/Communications Division, is continued off calendar and Officer Michael D. McCarthy is to complete the Field Training Officer Program, Phase III, by Order of the Police Commission.

AYES: Commissioners Daly, Hsieh, Nelder, Toler
 ABSENT: Commissioner Sanchez

HEARING OF OFFICER MICHAEL D. McCARTHY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 240-85

WHEREAS, the hearing of Officer Michael D. McCarthy, Support Services Bureau/Communications Division, was called it having been set for this date;

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the matter be continued to April 11, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Michael D. McCarthy, Support Services Bureau/Communications Division, is continued to Thursday, April 11, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Toler

ABSENT: Commissioner Sanchez

HEARING OF OFFICER NICANOR GUERRA, RICHMOND STATION

The hearing of Police Officer Nicanor E. Guerra, Richmond Station, was called it having been set for this date. Officer Guerra was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Guerra appeared in person and was represented by William Beirne, Attorney at Law.

Attorney Jerry W. Akins appeared as Prosecutor for the San Francisco Police Department.

The following named witness was called by the Defense was sworn and testified:

Mr. Victor Moore 1449 Mendell Avenue/SF

The following exhibits were entered into evidence by the Prosecution:

Exhibit #15 Superior Court of the State of California Proceeding No. 11435, dated 11/15/84
Verdict - Count I (114435)
Verdict - Count II (114435)
Verdict - Count III(114435)

EXHIBIT #16 Commitment Form of the Superior Court of California, County of San Francisco Imposition of Sentence Suspended - Probation County Jail

The following exhibits were entered into evidence by the Defense:

Exhibit A Two color photos of Datsun 280Z, inside front & outside front hood

Exhibit B Two color photos of Datsun 280Z, outside front & truck

Exhibit C Two color photos of light colored mustang

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned finding that Charge No. 1 and Charge No. 2 are sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Nicanor Guerra be terminated.

The Commission again took the matter under submission and the following resolution was adopted:
RESOLUTION NO. 224-85

WHEREAS, on July 10, 1984, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Nicanor E. Guerra, as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of San Francisco Police Department);

- (a) At all times herein mentioned, Nicanor E. Guerra, Star 112, (hereinafter referred to as "the accused"), was and is a Police Officer employed by the San Francisco Police Department and assigned to Company G Richmond Station;
- (b) As a Police Officer, the accused was and is responsible for knowing and obeying the San Francisco Police Department;
- (c) In the course of an on-going auto theft investigation, a California Highway Patrol investigator discovered that the accused had purchased two vehicles which had previously been determined to be total loss salvages;
- (d) The accused registered the salvaged total loss vehicles in his name and obtained new license plates for the vehicles from the Department of Motor Vehicles on the basis that the vehicles were revived and roadworthy;
- (e) The accused also came into possession of two other vehicles which investigation has determined to be stolen;

(f) Investigation by the California Highway Patrol indicated that the license plates the accused obtained for the salvaged vehicles were actually affixed to the two stolen vehicles;

(g) Examination of the automobiles to which the license plates obtained by the accused had been attached, revealed that the vehicles had been tampered with and the true identification numbers belonged to the stolen vehicle;

(h) The accused had sold one of the stolen vehicles to his mother and retained possession of the other stolen vehicle which was registered in the accused's name.

(i) On July 3, 1984, the accused was arrested and booked on the basis of a warrant charging him with two felony violations of Penal Code 496.1 (Receiving or concealing stolen property) and two misdemeanor violations of Vehicle Code 10751 (Buying, receiving, disposing, selling or offering to sell vehicle with altered or concealed vehicle identification number);

(j) As a Police Officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by possessing stolen property and tampering with vehicle identification numbers, not only failed to prevent crime, but actually engaged in criminal conduct himself which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officer's ability to take proper action at the time in question."

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency of, and reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(a) At all times herein mentioned, Nicanor E. Guerra, Star 112, (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to Company G - Richmond Station;

(b) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (c) In the course of an on-going auto theft investigation, a California Highway Patrol Investigator discovered that the accused had purchased two vehicles which had previously been determined to be total loss salvages;
- (d) The accused also registered the salvaged total loss vehicles in his name and obtained new license plates for the vehicles from the Department of Motor Vehicles on the basis that the vehicles were revived roadworthy;
- (e) The accused also came into possession of two other vehicles which investigation has determined to be stolen;
- (f) Investigation by the California Highway Patrol indicated that the license plates the accused obtained for the salvaged vehicles were actually affixed to the two stolen vehicles;
- (g) Examination of the automobiles to which the license plates obtained by the accused had been attached, revealed that the vehicles had been tampered with and that true identification numbers belonged to the stolen vehicle;
- (h) The accused had sold one of the stolen vehicles to his moter and retained possession of the other stolen vehicle which was registered in the accused's name;
- (i) On July 3, 1984, the accused was arrested and booked on the bases of a warrant charging him with two felony violations of Penal Code 496.1 (Receiving or concealing stolen property) and two misdemeanor violations of Vehicle Code 10751 (Buying, receiving, disposing, or selling or offering to sell vehicle indentification number);
- (j) The accused, by possessing stolen property, by tampering with or causing tampering with vehicle identification numbers, by virtue of his arrest and the conduct leading to his arrest has engaged in conduct which undermines and subverts the good order, efficiency and discipline of the department and which casts discredit on the department as well as the members of the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, October 9, 1984; Wednesday, October 17, 1984; Wednesday, October 31, 1984; Monday, November 19, 1984; Thursday, January 17, 1985 and Thursday, February 21, 1985, and on Thursday, February 21, 1985 the matter was submitted to The Police Commission for decision; and

WHEREAS, The Commission finds that the allegations contained in Charge No. 1 and Charge No. 2, as preferred by the Chief of Police against Police Officer Nicanor E. Guerra, Richmond Station, are sustained by a preponderance of the evidence presented. The Commission therefore adopts the language of said charges and its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Police Commission Orders the following discipline be imposed:

Charges No. 01 & 02 Termination
and be it further;


RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recesses taken during the Hearing of Officer Guerra:

7:55 p.m. to 7:59 p.m.
8:01 p.m. to 8:09 p.m.

The meeting was then adjourned at 8:11 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

FEBRUARY 28, 1985 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, February 28, 1985 at 1700 hours in an Executive Session.

PRESENT: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh

1. Attorney-Client Conference
- Commissioner Sanchez presiding.

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FEBRUARY 28, 1985 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, February 28, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh

PRESENTATION OF MEDALS OF VALOR AND CERTIFICATES

Commissioner David Sanchez said that this part of the agenda is part of one of the most significant parts of the Police Commission's responsibility pertaining to the Awards Committee's presentation of Medals of Valor and Certificates. The Chair person is rotated among the Commission. The Chair person, he said, for this particular awards ceremony is Commissioner Alfred Nelder. He said he would therefore turn the gavel over to Commissioner Nelder and he and Commissioner Burl Toler would make brief comments thereafter.

Commissioner Nelder then said that everyone is gathered here tonight to recognize work performed by members of this department. He said those of us who sat in judgement of those cases as presented to the Committee came to the conclusion that these were absolutely outstanding cases performed by the members of this department. He continued by saying the work done by the members of the Department far exceeded what is generally required of a police officer. He said he would like to point out that members who will be so recognized tonight will join a long list of heroes in the San Francisco Police Department and their names will be added to that scroll. The cases that will be read by Lieutenant Willie Frazier, I would hope that you would listen to carefully, will lead you to the same conclusion as the Awards Committee. He said he felt that the best answer to the critics of any police work is the professional proficient type of work that these officers perform in being recognized as Medal of Valor cases. They, he said, put their lives on the line. "The people of San Francisco can be very proud to have members such as you will see when they receive their Medal of Valor Awards tonight." He said he would like to take this opportunity to compliment those members who are so recognized tonight and also their families. He said The Commission and Department certainly appreciate all they have done and feels sure that the people of San Francisco joins The Commission in wishing all well and the best of luck.

Commissioner Burl Toler, said, as previously stated by Commissioner Nelder, this is a very happy occasion for this Commission. He said the Commissioners have sat in judgement on many an evening and occasionally they don't like to make decisions that must be made but they are made for the good of the Department and the city. He said he would like to take this opportunity with all of his colleagues in thanking and congratulating the officers who are to receive the Awards of Valor this evening for putting their lives daily on the line in protecting the lives and property of the citizens of this City. He said, "we do have a safer place to live because of these fine officers." He said The Commission is very proud of them as well as the Chief and his Staff and the other fine officers that make up the San Francisco Police Department which is second to none. He said he would be re-miss if he did not also congratulate the families and loved ones of these fine officers for their continual support of those officers and the Department. He said, "we're proud of you, keep up the good work and may God Bless You. Congratulations for a job well done."

Commissioner Sanchez said he would just begin by endorsing what his colleagues has stated and just say the Commission thanks every Officer and their loved ones for continual to maintain the highest degree of excellence and standards in the day to day operation of the San Francisco Police Department.

The Award recipients were as follows:

Officer Roberto Salinas	Silver Medal
Sergeant James J. Hughes	Bronze Medal
Sergeant John E. Toomey	Bronze Medal
Officer Alexander D. Alfaro	Bronze Medal
Officer Michael I. Caplan	Bronze Medal
Officer Terry M. Cottonreader	Bronze Medal
Officer William B. Davenport	Bronze Medal
Officer Jonathan M. Fong	Bronze Medal
Officer Glen J. Ghiselli	Bronze Medal
Officer Matthew J. Hanley	Bronze Medal
Officer Anthony H. Johnson	Bronze Medal
Officer Keith F. Lai	Bronze Medal
Officer Patrick F. Mullins	Bronze Medal
Officer Diane P. Neary	Bronze Medal
Officer Richard E. Pate	Bronze Medal
Officer Vincent Profaca	Bronze Medal
Officer Luis D. Schonborn	Bronze Medal
Patrol Special Michael A. Biggio	Bronze Medal
Lieutenant Charles Hoenisch, Jr.	Meritorious
Award	
Inspector Olav P. Hindahl	Meritorious Award
Inspector Calvin L. Nutting	Meritorious Award
Inspector David R. Toschi	Meritorious Award
Officer Rodney D. King	Meritorious Award

After the ceremony Mr. Brian Scott, Police Commissioner from Calgary Canada, was introduced by Commissioner Sanchez.

Mr. Scott then addressed the Commission and audience. He said he was Chairman of the Police Commission for the City of Calgary, home of the world famous Calgary Stampede and site of the 1988 Winter Olympics. He said he certainly appreciated getting the opportunity to sit in on the Department's Award Ceremony and in his view it is one of the most important things that a Commission can do in their representation of citizens of the City.

He said it is, at times, a very thankless job, being a police officer in a major city and he felt that it was very important that their outstanding performances be recognized on behalf of citizens.

He said it is, at times, a very thankless job, being a police officer in a major city and he felt that it was very important that their outstanding performances be recognized on behalf of citizens. He said it is Calgary's 100th anniversary of their police force and when the members of his Commission heard that he was coming to San Francisco they decided it would be appropriate that he make a small presentation to this Commission in appreciation for the cooperation and assistance that has been rendered to their police service by the San Francisco Police Department from time to time. Most recently meeting with their people and showing them the San Francisco Police Department Fingerprint Search System which they are now planning to introduce in Calgary. He then said that on that basis he has for the Commission a set of the six major hat badges in Silver, worn by the Officers of the Calgary Police Commission over the last 100 years. He said it is one of 100 sets that are produced and no more will be produced. He said he has been told that this is the first one to pass hands over the border to a major city in the United States.

Commissioner Sanchez in commenting, said this was totally unexpected on behalf of the San Francisco Police Commission but he wanted to state that the Department has lines of communication from Canada, Australia, New Zealand and others to ensure that all strive for excellence in rendering Police services. He said he wanted to thank Commissioner Scott and his colleagues, and he (President Sanchez) and his fellow Commissioners will continue to work to see that the Department has such outstanding days like this reminding everyone of the day to day police enforcement in this City and the highest degree of standards that the San Francisco Police Department's men and women continually perform. He said this gift from Calgary will be displayed in the Police Commission Office. Commissioner Scott said that in addition, Mayor Ralph Kline, who also visits San Francisco from time to time asked him to present to the Commission a Book called, "Calgary a living Heritage", duly signed by Mayor Kline and in addition for the members of the Commission he presented Centennial Pens. He said, and for the Chief and Secretary to The Commission are lapel pins or hat badges and finally he said he is presenting to the Chairman of the Police Commission and Chief of Police from the Calgary Police Service on their Centennial Anniversary, a western belt buckle and official riding cap.

Commissioner Sanchez again thanked Commissioner Scott and after a brief recess the meeting was resumed.

APPROVAL OF MINUTES OF THE MEETING OF FEBRUARY 7, 1985

Approval of Minutes of the Meeting of February 7, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 249-85IRFAN ALI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irfan Ali in the sum of \$99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioner Daly, Hsieh

RESOLUTION NO. 250-85LUXOR CAB CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cab Co. in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 10, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioner Daly, Hsieh

RESOLUTION NO. 251-85SUSAN TUCKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Tucker in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date on Incident: January 29, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 252-85AL BARON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Al Baron in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 253-85

ANGELIUS LISOTTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angelius Lisotta in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 254-85

ERNEST A. KUSKULIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest A. Kuskulis in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 255-85

KEVIN HILLESLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Hillesland in the sum on \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 256-85

REGGIE GRINER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reggie Griner in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 257-85

LOIS COLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lois Cole in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 258-85WILLIAM F. BUTLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William F. Butler in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 259-85HUBERT BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hubert Brown in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 260-85SUSANNA SUN-EAKANEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susanna Sun-Eakane in the sum of \$53.25 as the result of a faulty tow, be and the same is hereby approved.

Date of Incident: January 27, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 261-85MILES-AKAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miles Akau in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 262-85BARBARA R. NODA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara R. Noda in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 29, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

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RESOLUTION NO. 263-85

DIANA D. MORIARTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diana D. Moriarty in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 264-85

SIMON WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Simon Williams in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

TRAVELING EXPENSE VOUCHERS -- APPROVED

APPROVAL OF REFUND CHECK TO THE SAN FRANCISCO POLICE DEPARTMENT FROM INSPECTOR CORNELIUS NICHOLS, IN THE AMOUNT OF \$125.00 FOR UNUSED MONIES IN ATTENDING THE JUVENILE LAW ENFORCEMENT OFFICERS TRAINING COURSE IN PACIFIC GROVE, CALIFORNIA FROM FEBRUARY 3rd TO FEBRUARY 8, 1985.

RESOLUTION NO. 268-85

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Inspector Cornelius Nichols (Juvenile Law Enforcement Officers Training Course)
(Pacific Grove, CA
(02/03/85 - 02/08/85
(\$125.00 Refund paid to SF Police Dept.)

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY INSPECTORS ROBERT PACO AND PATRICK O'SHEA, HIT & SECTION, IN THE AMOUNT OF \$1,204.65 EACH FOR ATTENDING THE ADVANCED TRAFFIC ACCIDENT INVESTIGATION RECONSTRUCTION COURSE IN SACRAMENTO FROM JANUARY 28, 1985 TO FEBRUARY 8, 1985

RESOLUTION NO. 269-85

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Inspector Robert Paco (Advanced Traffic Accident
Inspector Patrick O'Shea Investigation/Reconstruction
(Sacramento, California)
(01/28/85 - 02/08/85)
(\$1,204.65 each)

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RECOMMENDATION OF THE CHIEF THAT OFFICER JAMES DEELY, NARCOTICS SECTION, BE AUTHORIZED TO ATTEND THE INFORMANT DEVELOPMENT AND MAINTENANCE COURSE IN SACRAMENTO, CA FROM MARCH 11 TO MARCH 15, 1985

RESOLUTION NO. 270-85

RESOLVED, that the recommendation of the Chief of Police that Officer James Deely, Narcotics Section, be authorized to attend the Informant Development and Maintenance Course, conducted by the California Department of Justice in Sacramento, California from March 11 to March 15, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$329.05 for subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

RECOMMENDATION OF THE CHIEF THAT SERGEANTS JOHN CARLIN, NARCOTICS SECTION, AND ROBERT JONES, MANAGEMENT CONTROL, BE AUTHORIZED TO ATTEND THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE IN SACRAMENTO, CA FROM MARCH 4 TO MARCH 8, 1985

RESOLUTION NO. 271-85

RESOLVED, that the recommendation of the Chief of Police that Sergeants John Carlin, Narcotics Section, and Robert Jones, Management Control, be authorized to attend the Specialized Surveillance Equipment Training Course conducted by the California Department of Justice in Sacramento, California from March 4 to March 8, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$349.65 each for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

POLICE COMMISSION REPORT

Commissioner David Sanchez said The Police Commission met in Closed Session under the Brown Act pertaining to Attorney-Client Conference and no vote was taken. He said secondly The Commission had directed the Director of the Office of Citizens Complaints (OCC) a few weeks ago to conduct a comprehensive investigation pertaining to certain areas of concern regarding the performance standards of the San Francisco Police Department and the Director now has some initial findings to present at this time. He said also during the next week The Commission will have some matters to be reviewed pertaining to possible policy areas which The Commission will look at.

Mr. Frank Schober, Director of Office of Citizens Complaints (OCC), said he wished to report to The Commission on two major cases. One, he said, involves the Mitchell Brothers Theatre arrest of Ms. Marilyn Chambers and the other the arrest on warrants of Mr. Warren Hinckle of the San Francisco Chronicle and to give the results of the nearly completed investigation of the Department's alleged abuse of computers. He said his findings in the Chambers Case is that the Lieutenant (Dennis Martel) did have probable cause to conduct an on site investigation based on information he received from a San Francisco Police Officer. He said the number of officers assembled was consistent and standard with past practices and because of the number of patrons, (400), backup units were appropriate. "That upon observing Ms. Chambers engaging in various illegal acts the arrest was proper and necessary other wise the officers would have neglected their sworn duty. The Allegations that Ms. Chambers was brought to the Hall of Justice naked was unfounded. Her being photographed with Officers, unfounded, Allegations of neglect of duty and unwarranted actions against Captain John Jordan, unfounded. Allegations of unwarranted actions against Lieutenant Dennis Martel, Vice Crimes, unfounded." He said with respect to the Warren Hinckle arrest, (1) A finding. He said the rest of the recommendation in this matter he will read to the Commission next week. He then said it is recommended that where it is found the arrest of Warren Hinckle is construed as being the cause, the arresting Officers did not arrest him in retaliation for his articles about the Department. He said with respect to the controversy surrounding the use of the System Computer the Office of Citizens Complaints is still investigating this controversy. He said they have a couple more interviews to conduct and the Judge continues to hold hearings on the case. He said they have more information that has not yet been provided by the Public Defenders Office but it appears that with this continuing investigation that no evidence of spying on the files of the Public Defender will be found.

Commissioner Sanchez then said that when some of these matters rendered such mass news coverage the Commission directed both the Chief of Police and the Director of the Office of Citizens Complaints to proceed with a full and comprehensive investigation.

He said the Chief presented his findings which were also presented to the Mayor and at this point the Commission has not yet closed its investigation. He said staff will be looking at policy and procedures pertaining to what recommendations if any might be considered or reviewed and this will be done in conjunction with the Chief of Police and all such matters will be calendered for next week. He said, so, again the Commission is acting on the mandate of the citizens of San Francisco to utilize the resources the Commission has, both within the Department, and its civilian units within the Department to insure that all systems are operational and the Commission holds the Department accountable for all of these areas. He then thanked Director Schober and his Staff for conducting the investigations up to this point and said the Commission looks forward to reviewing the matter along with Chief Murphy pertaining to any policy changes suggested for next week.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy, upon being queried by Commissioner Nelder as to how the Re-Organizational Plan was working as of this week, said that he and his Deputies will be rotating during the normal weekend hours to make sure that all systems are operational.

Commissioner Sanchez said that he and his colleagues were out on the street this past week and will submit a duty log along the same lines as it was done when he was in the Navy.

Commissioner Nelder then said on a serious thought he felt that this plan would actually serve the purpose of the type communications the Chief was striving for. He said the Chief's Command Staff will be in the Districts working with the respective commanders of the various districts which will improve the communications between headquarters and the district stations. Commissioner Nelder continued by saying he wanted to compliment the Chief on his re-organization plan and it sounds like it will definitely obtain results.

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 1985-1986

Captain Willis Casey said to bring the Commission up to date from last week he wanted to advise them that the Mayor has placed on all Departments of City Government a limit on their budgets. He said the budget maximum that was placed on the San Francisco Police Department is \$163,975,410.00. He continued by saying that this year's budget's personnel costs alone would be about \$157,000,000. In rounding things out he said this could leave the Department with only \$7,000,000.00 the entire year for the operating budget. However, the proposed budget that is being submitted leaves \$13,800,000 plus in operating cost. He said that puts the Department about \$7 million over the limit without the Mayor's issues. He said the recommended operating costs are just about, with rare exceptions, the same operating costs the Department had last year. He said the next step will be when representatives of the Department meet in April with the Mayor's Issues. He said these are things which were not in last year's budget.

They are new items and before they can go into the budget the Department must have the Mayor's approval. There are some \$2 million 5 hundred thousand dollars in Mayor's Issues, and the first and the largest of a 1 million four hundred thousand dollar price tag for night differential pay. A second, he said, would be increases in salary, and the third are salaries for two positions in the Federal Consent decree Unit.

After further discussion on other Mayor's issues Commissioner Nelder mentioned that he had gone over this budget and has come to the same conclusion that Captain Casey has, in that, there is no way to get around the Personnel services. He said he wished there was more flexibility there but there isn't. He said he would therefore move for approval of this budget.

Commissioner Toler seconded it and it was unanimously approved.

RESOLUTION NO. 467-85

OPERATING BUDGET FOR FISCAL YEAR 1985-1986 - SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the operating budget of the San Francisco Police Department for the fiscal year 1985-1986 in the amount of \$1,70,818,876 as submitted by Chief of Police Cornelius P. Murphy.

AYES: Commissioners Nelder, Sanchez, Toler

ABSENT: Commissioner Daly, Hsieh

REQUEST OF OFFICER HOYT WONG, CENTRAL STATION, FOR PERMISSION TO ACCEPT A \$75.00 REWARD FOR THE APPREHENSION OF A NAVY DESERTER.

RESOLUTION NO. 246-85

RESOLVED, that the request of Officer Hoyt Wong, Central Station, to accept a gift in the amount of \$75.00 for the apprehension of a Navy Deserter William C. Bearl, be, and the same is hereby approved.

AYES: Commissioners Toler, Nelder, Sanchez

ABSENT: Commissioners Daly, Hsieh

REQUEST OF OFFICER SCOTT G. QUINN, MISSION STATION: FOR A REQUEST WITHOUT PAY FROM FEBRUARY 22, 1985

RESOLUTION NO. 243-85

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

WHEREAS, Police Officer Scott G. Quinn, Mission Station, was suspended without pay effective 1700 hours on October 5, 1984, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Scott G. Quinn has requested a Leave of Absence Without Pay at his request for a period of twenty nine (29) days commencing February 22, 1985 through March 22, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Nelder, Sanchez, Toler
 ABSENT: Commissioners Daly, Hsieh

REQUEST OF OFFICER NIALL J. PHILPOTT, MISSION STATION, FOR A LEAVE OF ABSENCE WITHOUT PAY FROM FEBRUARY 22, 1985 TO MARCH 22, 1985

RESOLUTION NO. 244-85

WHEREAS, Police Officer Niall J. Philpott, Mission Station, was suspended without pay effective 1700 hours on October 5, 1984, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Niall J. Philpott has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Niall J. Philpott, Mission Station, be placed on Leave of Absence Without Pay at his request for a period of twenty-nine (29) days commencing February 22, 1985 through March 22, 1985, inclusive, be, and the same is hereby approved.

AYES: Commissioners Nelder, Sanchez, Toler
 ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 242-85

SETTING OF DATE FOR HEARING OF SERGEANT GREGORY G. CLONEY, INGLESIDE STATION

WHEREAS, the setting of a date for the hearing on the disciplinary charges filed against Sergeant Gregory G. Cloney, Ingleside Station, was called it having been set for this date; and

RESOLVED, that the hearing of the disciplinary charges filed against Sergeant Gregory Cloney, Ingleside Station, is set for Thursday, April 4, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Nelder, Sanchez
 ABSENT: Commissioners Daly, Hsieh

DECISION IN THE HEARING OF OFFICER PHILIP J. LEE, MISSION STATION

RESOLUTION NO. 245-85

HEARING OF OFFICER PHILIP J. LEE, MISSION STATION

WHEREAS, the date set for the decision on the hearing of the disciplinary charges filed against Officer Philip J. Lee, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the matter be continued to March 14, 1985; therefore be it

RESOLVED, that the decision on hearing before The Police Commission on the disciplinary charges filed against Officer Phillip Lee, Mission Station, is set for Thursday, March 14, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Nelder, Sanchez,
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 272-85

HEARING OF OFFICER SCOTT G. QUINN, MISSION STATION

WHEREAS, the date set for the hearing of the disciplinary charges filed against Officer Scott G. Quinn, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, Attorney at Law, representing Officer Scott Quinn, that the hearing before The Police Commission be set for March 21, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Scott G. Quinn, Mission Station, is set for Thursday, March 21, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh

RESOLUTION NO. 273-85

HEARING OF OFFICER NIALL J. PHILPOTT, MISSION STATION

WHEREAS, the date set for the hearing of the disciplinary charges filed against Officer Niall J. Philpott, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen B. Bley, Attorney at Law, representing Officer Niall Philpott, that the date for the hearing before The Police Commission be set for March 21, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Niall J. Philpott, Mission Station, is set for Thursday, March 21, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Toler, Nelder, Sanchez
ABSENT: Commissioners Daly, Hsieh

HEARING OF OFFICER YVONNE L. HARBOR, POTRERO STATION

The hearing of Officer Yvonne L. Harbor, Potrero Station, was called it having been set for this date. Officer Yvonne L. Harbor was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to make a written report to her commanding officer (a violation of Section D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to make a written report to her commanding officer (a violation of Section A-26 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Neglect of duty which reflects discredit upon the department (a violation of Section A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Yvonne L. Harbor appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was deferred by Attorney Casimir Wilson until Defense commences its case.

The charges against Officer Yvonne L. Harbor were then into the record.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant Michael Hebel, Potrero Station
Sergeant Issac J. Henry, Potrero Station

At this time an opening statement was made by Attorney Casimir Wilson for the Defense.

The following named witness was called by the Defense, was sworn and testified:

Officer Yvonne Harbor, Potrero Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit A - Incident Report No. 841167855
prepared by Maurice Edwards, Star #407

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned finding that Charge No. 1, Charge No. 2 and Charge No. 3 are sustained.

Based on these findings, the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Yvonne L. Harbor be suspended 30 days and enter retraining at her own expense in report writing and other procedures necessary or conducive to being a good police officer.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 236-85

WHEREAS, on December 12, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Officer Yvonne L. Harbor, Potrero Station, as follows:

CHARGE NO. 1

Failure to make a written report to her commanding officer (a violation of Section A-26 of General Order D-1 of the San Francisco Police Department);

- (a) At all times mentioned herein, Yvonne L. Harbor (hereinafter, referred to as the "accused") was and is a police officer employed by the San Francisco Police Department assigned to Company C - Potrero Station;
- (b) As a police officer, the accused was and is a responsible for knowing and obeying the General Orders of the San Francisco Police Department;
- (c) On October 21, 1984, at or about 1430 hours, the accused was on duty working in her assigned district and was dispatched by Communications to a residence within the district on a report of a rape;
- (d) The accused responded, interviewed the victim and then transported her to Central Emergency Hospital for counseling by the sexual trauma unit;
- (e) The accused did not ascertain whether the accused was examined by a physician at Central Emergency Hospital for counseling by the sexual trauma unit;
- (f) The accused did not make a police incident report pertaining to the rape and did not ascertain if there had been a physician's report so that it could be attached to an incident report as required by General Order I-5 of the San Francisco Police Department, Rules II(A), (B), (D), (E), and (F);
- (g) By failing to make a written incident report as required by General Order I-5, Officer Harbor violated Section A-26 of General Order D-1 of the San Francisco Police Department which states that;

"Members shall, when on duty, make a written report to their commanding officer of any crime or urgent police matter that comes to their attention, on which an incident report has not been made or that has not already received the attention of another member."

CHARGE NO. 2

Failure to make a written report to her commanding officer (a violation of Section A-26 of General Order D-1 of the San Francisco Police Department);

- (a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;
- (b) At the time that the accused was dispatched to the above call, the accused was informed that the victim was apprehensive about making a report because there was an arrest warrant from Daly City for her;
- (c) After leaving Central Emergency Hospital, having already determined that there was in fact a warrant outstanding, the accused arrested the victim on the warrant and booked her into the San Francisco County Jail;
- (d) Although the arrest was proper, the accused did not prepare a San Francisco Police Department Incident Report of this arrest as required by General Order Z-2 of the San Francisco Police Department;
- (e) By failing to make an incident report or even a written report to her commanding officer, the accused violated Section A-26 of General Order D-1 of the San Francisco Police Department which states that:

"Members shall, when on-duty, make a written report to their commanding officer of any crime or urgent police matter that comes to their attention, on which an incident report has not been made or that has not already received the attention of another member."

CHARGE NO. 3

Neglect of duty which reflects discredit upon the department (a violation of Section A-9 of General Order D-1 of the San Francisco Police Department).

- (a) Each and every allegation contained in (a) through (f) of Charge No. 1, and (b) through (d) of Charge No. 2 are hereby incorporated by reference as though each were fully set forth herein:
- (b) By failing to make the incident reports, the accused neglected her duty and engaged in conduct which subverts the good order, efficiency and discipline of the department which is a violation of Section A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency and discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, February 28, 1985, and the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said allegations contained in Charge No. 1, violation of Section A-26 of General Order D-1, Charge No. 2, violation of Section A-26 of General Order D-1, and Charge No. 3, violation of Section A-9 of General Order D-1, are sustained; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that for said violations, Officer Yvonne L. Harbor shall be suspended for 20 calendar days commencing Wednesday, March 6, 1985 at 0001 hours and ending Monday, March 25, 1985 at 2400 hours. Officer Yvonne L. Harbor is to attend two weeks at the Police Academy in report writing and procedures at the convenience of her commanding officer. Thereafter, certification should be made by her commanding Officer that the order of the Police Commission has been carried out.


Recesses taken during the hearing of Officer Harbor:

- 9:35 p.m. to 9:39 p.m.
- 9:45 p.m. to 9:48 p.m.

(The entire proceedings were taken in shorthand by Ms. Linda Pransky, CSR.)

AYES: Commissioners Nelder, Sanchez, Toler
ABSENT: Commissioners Daly, Hsieh

THE MEETING WAS THEN ADJOURNED AT 9:50 P.M.
IN MEMORY OF OFFICER ROBERT KNOEPFLER


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes
 15
 2
 185
 7 MARCH 1985

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, March 7, 1985 at 1700 hours in a Closed Session.

PRESENT: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

Commissioner Sanchez presiding.

APPROVAL OF MINUTES OF THE MEETING OF FEBRUARY 14, 1985

7 MARCH 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, March 7, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

APPROVAL OF MINUTES OF THE MEETING OF FEBRUARY 14, 1985

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 265-85

DAVID A. LAIBLE vs. CITY AND COUNTY OF SAN FRANCISCO, PAUL RYAN, CALIFORNIA, SMITH'S and DOES 1 THROUGH 25, INCLUSIVE

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of David A. Laible in the sum of \$104,000.00 in Superior Court No. 769-026 entitled David A. Laible vs. City and County of San Francisco, Paul Ryan, California, Smith's and Does 1 through 25, Inclusive, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 10, 1979

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 277-85

DARIO J. GIANNARELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dario J. Giannarelli in the sum of \$110.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

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RESOLUTION NO. 278-85

LINDA MIGDALSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Migdalski in the sum of \$107.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 279-85

METALCLAD INSULATION CORP.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Metalclad Insulation Corporation in the sum of \$106.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 1, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 280-85

ABC TOWING (ROSE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Rose) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 3, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 281-85

ABC TOWING (BEAUCHAMP)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Beauchamp) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 282-85

ABC TOWING (SEDGWICK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Sedgwick) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 283-85ABC TOWING (SEDGWICK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Sedgwick) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 284-85ABC TOWING (WATT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Watt) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 285-85ABC TOWING (HALE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hale) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 286-85ABC TOWING (GRANT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Grant) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 287-85ABC TOWING (WILDER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Wilder) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 20, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 288-85PERRYN REIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Perryn Reis in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 31, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 289-85HENG TY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heng Ty in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 290-85ABC TOWING (V. BURG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (V. Burg) in the sum of \$63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 291-85ABC TOWING (KING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (King) in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 292-85JEANMARIE HELWIG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanmarie Helwig in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 5, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 293-85ELAINE VENDITTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elaine Venditti in the sum of \$57.50 for storage, be, and the same is hereby approved.

Date of Incident: February 1, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 294-85KELLY WALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kelly Walker against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/02/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 295-85HENRY M. YAMANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry M. Yamano against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/02/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 296-85ABC TOWING (JOHNSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Johnson) against the City and County of San Francisco in the sum of \$53.25 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: 01/29/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 297-85HARRIET SCHIFFER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harriet Schiffer against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 01/29/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 298-85MARK THOMAS SHEBLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Thomas Shebley against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 12/10/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 299-85KEVIN CURTIS SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Curtis Sullivan against the City and County of San Francisco in the sum of \$53.25 as the result a faulty tow, be, and the same is hereby approved.

Date of Incident: 01/26/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 300-85MILDRED MURRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mildred Murray against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 01/05/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 301-85FRANK L. CLIMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank L. Clima against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow be, and the same is hereby approved.

Date of Incident: 02/04/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 302-85ABC TOWING (CURLLOW)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Curlow) against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/05/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 303-85ABC TOWING (GELMI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Gelmi) against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/05/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 304-85KENNETH YUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Yuen against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/11/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 305-85KRESCH ORI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kresch Ori against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/04/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 306-85ALICE A. NEAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alice A. Neal against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/17/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 307-85RAYMOND LOVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond Love against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/06/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 308-85

JAVIER E. GARAVITO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Javier E. Garavito against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/06/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 309-85

CHRISTIANNE CAGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christianne Cage against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/11/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 310-85

PATRICIA COURTENAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Courtenay against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 01/23/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 311-85

RANDI FRANCIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randi Francis against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/11/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 312-85

MILDRED B. FEINER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mildred B. Feiner against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/02/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 313-85NORMAN JEFFERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Jefferson against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 02/01/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 314-85MARIA MESSER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Messer against the City and County of San Francisco in the sum of \$47.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 01/04/85

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 315-85ABC TOWING (HARRISON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Harrison) against the City and County of San Francisco in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: 12/17/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF THAT OFFICERS RICHARD BARBER AND GEORGE STASKO, TACTICAL DIVISION, BE AUTHORIZED TO ATTEND THE POLICE FIREARMS INSTRUCTOR COURSE IN EUREKA, CA FROM MARCH 25 TO APRIL 5, 1985

RESOLUTION NO. 352-85

RESOLVED, that the recommendation of the Chief of Police that Officers Richard Barber and George Stasko, Tactical Division, be authorized to attend the Police Firearms Instructor Course, conducted by the Federal Bureau of Investigation in Eureka, California from March 25 to April 5, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$917.25 each for subsistence and travel will be reimbursed by P.O.S.T. \$31.95 each for tuition and on-campus parking will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

TRAVELING EXPENSE VOUCHERS -- APPROVED

RESOLUTION NO. 353-85

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below named indicated program, be, and the same are hereby approved.

Officer John Clery (Vice Investigations
Officer James Zerga (San Jose, California
(1/28/85 - 2/1/85
(\$589.65 each

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 354-85

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Inspector Barry Johnson (Robbery Investigators Assn.
Inspector Armond Pelissetti Training Seminar
(Las Vegas, Nevada
(2/6/85 - 2/8/85
(\$490.00 each

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner David Sanchez said the Police Commission met in Closed Session this afternoon under the Brown Act pertaining to Attorney-Client Conference with the City Attorney and no vote was taken.

Commissioner Alfred Nelder said he saw the new Order on the Patrol Special Officers ordering them to report to the Stations, and felt the order was very good except for one addition, and that was for them to report off by telephone. He said he thought it would be better for them to report off in person.

Chief of Police Cornelius P. Murphy said he would look into that aspect of the order. Commissioner Thomas Hsieh said he had requested that the Hearing on the Consent Decree matters presented two weeks ago be scheduled for today but if it is not on the agenda, then he would like for it to be scheduled for next week's meeting. He then made a motion to that effect and it was unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said the only report he had tonight was that the Re-Organizational Proposal is now in place and going into its second week, and there are no problems at this time.

PUBLIC HEARING ON THE PROPOSED INVESTIGATIVE HEARING
RULES OF THE OFFICE OF CITIZEN COMPLAINTS

Mr. Frank Schober, Director of the Office of Citizens Complaints (OCC), addressed The Commission on this matter and said they have met and conferred with the San Francisco Police Officers' Association (SFPOA) in great detail. He said they feel they have achieved a remarkable degree of agreement concerning the Hearing Rules. However, he said there is more to do and as he understands it, the SFPOA has agreed to further meetings and conferences with the OCC Staff, including this weekend and throughout the next week. He said that is certainly an indication of good faith on their part and will be matched by good faith and demonstration on the part of the OCC. He said he now has a proposed resolution for the Commission which he read and quoted herein:

RESOLUTION NO. 266-85

MEET AND CONFER IN REGARDS TO THE INVESTIGATIVE HEARING
RULES OF THE OFFICE OF CITIZENS COMPLAINTS, "THE
PROFESSIONAL STANDARDS AGENCY OF THE SAN FRANCISCO
POLICE DEPARTMENT"

WHEREAS, The Police Commission has been and anticipates continuing engaging in meet and confer sessions with the San Francisco Police Officers' Association on matters centering around Rules and Procedures for Investigative Hearings to be conducted by The Commission's Office of Citizens Complaints; and

WHEREAS, it is the intention and policy of this Commission that such meet and confer sessions continue for the purpose of airing and resolving issues connected thereto; and

WHEREAS, it is also the intention and policy of this Commission that The Commission's Committee of One and the Director of the Office of Citizens Complaints and his staff remain available for and give top priority to, meeting and conferring with the San Francisco Police Officers' Association until as many issues raised with regard to these rules and as practicable can be resolved; therefore be it

RESOLVED, that the Director of the Office of Citizens Complaints and his staff is hereby directed by this Commission to stand ready and to make himself and his staff available as often and for as long as necessary to meet with representatives of the Police Officers' Association for the purpose of airing and resolving issues that will improve the hearing process and enhance the reliability of the fact finding process; and be it further

RESOLVED, that it is the further express intention that the Director shall henceforth be designated to act as the duly appointed representative of The Police Commission.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Officer Robert Barry, President of the San Francisco Police Officers' Association (SFPOA), said he appreciated the comments made by Mr. Schober and also view these rules as very serious and are concerned about due process rights for citizens lodging complaints against Police Officers and the due process rights of the Police Officers that the SFPOA represent.

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He said they feel that there are some very serious problems with the proposed rules but they feel that they can make some substantial progress next week, or if not the following week, but they are willing to meet for many, many hours until they can come up with a package that is fair to everybody. Mr. Ralph Saltzman and Mr. Dave Clisham, both Attorneys representing the SFPOA, echoed Mr. Barry's comments.

Commissioner Sanchez then said all of the Commissioners have spent a number of hours meeting and conferring on this issue in an attempt to clearly define the process and procedure to insure that the Office of Citizen Complaints and its Rules and Regulations are in fact a flagship of excellence pertaining to this very critical part of oversight and accountability within police services. He said The Commission will continue to meet along with the SFPOA and their attorneys and will resume said meetings tomorrow morning at 10:00 a.m.

After further discussion by Mr. Schober regarding procedural matters for the operation of the Office of Citizens Complaints (OCC), Mr. Amitai Schwartz requested to speak.

Mr. Amitai Schwartz, ACLU Attorney, said he would like to speak on two points. One, he said, is that The Commission in April or May of 1983, passed a set of rules for the OCC. He said it would seem to him that whatever Mr. Schober is doing in regard to the referred complaints, and whatever The Commission is asking for this evening in terms of acquitting should go into an amendment to those rules. He said otherwise The Commission is passing resolutions on rules which may contradict each other and the signals become unclear. He said the other point he wanted to make is that he agreed with Mr. Schober's intent as to some of the minor complaints in ways of disposing of some of those, but the Charter language does require that the OCC investigate all complaints.

Mr. Schober then said he would like to report to The Commission regarding the allegations made by the Public Defender in San Francisco Superior Court reported by the San Francisco News Media that the San Francisco Police Department's Planning and Research Division acted improperly in regard to the shared Wang PS 100 Computer System. He said he had several conclusions, one involving personnel and several involving policy. He said:

"Conclusion, Lt. Thomas Suttmeier did not invade the substance of the Public Defender's Word Processing files as alleged. The allegation of unwarranted action against Lt. Suttmeier is unfounded. There is no evidence to clearly prove the allegation of misconduct against Lt. Suttmeier. The evidence presented by the Public Defender's Office is circumstantial consisting of hearsay from unidentified witnesses and speculation. They were not able to provide physical evidence of an invasion as the system did not keep such evidence. The Judge, Judge Kay, denied their motion showing no confidence in their argument."

He said his next concern is policy. He said as of today's date the following measures have been taken to insure security of the Wang Process document. "All documents have been filed off the system on their respective Archive Discs."

Archive Discs have been placed in a locking file cabinet. Wang trained personnel have been trained in the use of the Document Archiver and in procedures to be taken to insure document security. Important documents have been filed off on a second archive disc to back up the first disc, thereby insuring against disc failure". He said the OCC recommends that the Police Department adopt a policy that would recognize shared supervision of the Wang PS 100 System by the Departments through the Hall of Justice Cooperative Wang System Committee.

"That the Department adopt policy statements currently under construction by the Committee concerning Risk Management procedures, information security guidelines and other computer guidelines. That the Police Commission support the efforts of the Committee to find a solution to problems by encouraging a spirit of cooperation for members of the Committee under its jurisdiction to develop an internal information policy and procedure which would be reduced to writing and be made known to all employees."

Commissioner David Sanchez then thanked Mr. Schober and asked Chief of Police Cornelius Murphy as to when the implementation of these items will be in effect or time frames as to their implementation.

Chief Murphy acknowledged that a number of the items are already in effect and that the Department is waiting for the final recommendation from the Wang Users Committee. When they receive them, he said the Department will formulate policies and procedures.

Commissioner Alfred Nelder said what he would like is that three times a year, or every four months, is to have the Representative come in to the Police Commission and advise as to whether there is or is not any problems with the process being used.

Mr. Schober then continued with his report. He said as a result of actions taken by members of the San Francisco Police Department in the arrest of Mr. Warren Hinckle and the arrest of Ms. Marilyn Chambers, he said he would have one report and comments on the second one. He said with respect to Mr. Hinckle, it is recommended that Department General Order 2-2, Section B-1, be written to give all officers some latitude in arresting for traffic warrants, following a rule of reason, reinforced by the immediate supervisor. Additionally, he said, it is recommended that all warrant arrests on the street should be monitored by the Sergeant or Lieutenant prior to bringing that person to a District Station. He continued by saying that also consideration be given to instituting a tracking system of some sort and devised and implemented to trace which officer or civilian requested or printed out information on warrants on the computer. He said this is not possible now, but it may be in the future. He said they also recommend a study on the use of computer print-outs within the various stations regarding the subject of access, use and distribution, pertaining to individual's arrest and criminal records. He said the study would include the aspects of training, supervision and regulations, wherever this would apply.

Chief Murphy said that he would suggest that The Commission not adopt the recommendations tonight but take it under submission and allow the Department to study it further.

Thereafter, Mr. Schober said he had reported to the Commission during the Closed Session his proposed recommendations on the Marilyn Chambers case and was informed by The Commission that it has now decided to take it back to the drawing board.

Commissioner Sanchez said that was essentially correct and that the recommendations in this matter would be further studied as to their feasibilities, also.

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH WEATHERMAN, CENTRAL STATION

RESOLUTION NO. 274-85

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Joseph Weatherman, Central Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Joseph Weatherman, Central Station, is set for Thursday, April 26, 1985.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez, Toler

RESOLUTION NO. 276-85

POLICE OFFICER ROY M. RAMOS, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Officer Roy M. Ramos, Northern Station, as follows:

CHARGE NO. 1

Failure to maintain himself in a fit condition to perform police duties while off duty and carrying a firearm (violation of Rule A-3 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Roy Ramos, Northern Station, is set for Thursday, March 14, 1985.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

PUBLIC HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINES AND SIGHTSEEING BUSES

Speaker: Mr. Yossedek Desta presented a petition with signatures of approximately 30 businesses who supported his request for the granting by the Commission of a vehicle for hire permit to operate a rickshaw service in the City and County of San Francisco. Mr. Desta was also given permission to speak on behalf of the other applicants for rickshaw permits. Mr. Desta, in pleading their case, said they are the ones who have proven to the Commission that Public Convenience and Necessity will be served once they are issued these permits. He said they are appealing to the Commission's rule of reason of factuality that the Public will not be adequately or properly served unless the permits are granted to them. He said there are about a million people who visit San Francisco yearly and the population is about 900,000 and it is absurd to assume that only one person with three permits, limited to Chinatown, would be able to provide Public Convenience and Necessity to serve all of those people.

After further discussion, Commissioner Nelder said that he would move that the Department make a recommendation to the Commission in two weeks. It was seconded by Commissioner Daly and unanimously approved.

(The entire text of this matter is on file in transcript form in the Office of The Police Commission. Linda Pransky, CSR, recorded.)

HEARING OF POLICE OFFICER MARTHA D. FABIANI, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

The matter of the hearing of Officer Martha Fabiani, Support Services Bureau/Communications Division, was called it having been set for this date.

Officer Martha Fabiani appeared in person and was represented by Attorney Lincoln N. Mintz, and Attorney Bonnie Narvy.

Attorney Jerry W. Akins, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Attorney Jerry W. Akins, for the Prosecution.

An opening statement was waived by Attorney Lincoln Mintz, for the Defense.

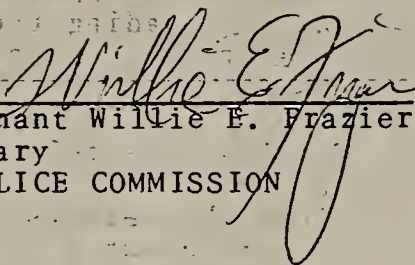
Mr. Duane Smith was called by the Prosecution, was sworn and testified.

After listening to testimony from the above party, the meeting was then adjourned at 2200 hours, and the matter was continued to Tuesday, March 19, 1985 at 1700 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder,
ABSENT: Commissioners Toler, Sanchez

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 2200 HOURS.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

14 MARCH 1985

SPECIAL SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, March 14, 1985 at 1700 in a Closed Session.

PRESENT: Commissioners Hsieh, Nelder, Sanchez, Toler

ABSENT: Commissioner Daly

Commissioner Sanchez presiding.

14 MARCH 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, March 14, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Hsieh, Nelder, Sanchez, Toler

ABSENT: Commissioner Daly

APPROVAL OF MINUTES OF THE MEETING OF FEBRUARY 21, 1985

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 316-85

WAYNE SHAW vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Wayne Shaw in the sum of \$40,000.00 in Superior Court No. 805-357 entitled Wayne Shaw vs. City and County of San Francisco; San Francisco Police Department; San Francisco Police Officer Sato, Star No. 1244; San Francisco Police Officer Carreon, Star No. 355; San Francisco Police Officer Ponce, Star No. 1803, and DOES 1-X, as the result of injuries sustained, be, and the same is hereby approved.

Date of Incident: March 14, 1982

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler

ABSENT: Commissioner Daly

RESOLUTION NO. 317-85

CHRISTOPHER MALONSON & RONALD GAINES vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Christopher Malonson and Ronald Gaines in the sum of \$18,300.00 in Superior Court No. 799-413 entitled Christopher Malonson and Ronald Gaines vs. City and County of San Francisco, et al, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler

ABSENT: Commissioner Daly

DOCUMENTS DEPT.

DEC 9 1985

SAN FRANCISCO PUBLIC LIBRARY

RESOLUTION NO. 318-85

LAWRENCE LEWIS vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Lawrence Lewis in the sum of \$17,500.00 in San Francisco Superior Court No. 763-848 entitled Lawrence Lewis vs. City and County of San Francisco, et al as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 22, 1979

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 319-85

BENNY SARGIS vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Benny Sargis in the sum of \$12,500.00 in San Francisco U.S. District Court No. C79-0657SG entitled Benny Sargis vs. City and County of San Francisco, et al, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 19, 1978

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 320-85

RAYMOND VINCENT BARON vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that judgment made for settlement of litigation of Raymond Vincent Baron in the sum of \$9,085.34 in San Francisco Superior Court No. 793-028 entitled "Raymond Vincent Baron vs. Ken Nieman, George Nazzal, Ron Tsujimoto, Steve Mroz, San Francisco Police Department, City and County of San Francisco, a Municipal Corporation and Political Subdivision of the State of California, Black Company, a corporation, White Company, a Co-partnership, and DOES I through XXX, inclusive" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 29, 1981

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 321-85

RICHARD A. KING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard A. King against the City and County of San Francisco in the sum of \$650.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 15, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 322-85A & B AUTO CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of A & B Auto Company against the City and County of San Francisco in the sum of \$263.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 323-85JAMES CAHILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Cahill against the City and County of San Francisco in the sum of \$249.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 1, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 324ABC TOWING (KELLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Kelley) against the City and County of San Francisco in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 31, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 325-85ABC TOWING (NOLLY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Nolly) against the City and County of San Francisco in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 326-85ARTHUR NEWMARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur Newmark against the City and County of San Francisco in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 6, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 327-85KAREN VICTORIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Victoria against the City and County of San Francisco in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 328-85ABC TOWING (AKSENOFF)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Aksenoff) against the City and County of San Francisco in the sum of \$63.26 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 329-85WENDY E. M. NORDSTROM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy E. M. Nordstrom against the City and County of San Francisco in the sum of \$59.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 330-85LUCILLE WYCOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucille Wycoff against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 331-85CHARLES ROTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Roth against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 332-85PATRICK JEROME PETERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Jerome Peterson against the City and County of San Francisco in the sum of \$53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 11, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 333-85RAY JIMMERSON, JR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Jimmerson, Jr. in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 1, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 334-85JIMMY HOU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jimmy Hou against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 335-85STEINAR BJORNSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steinar Bjornsen against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 336-85FRANCES ALLOCCA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frances Allocca against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION NO. 337-85ABC TOWING (HOLLINGSWORTH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Hollingsworth) against the City and County of San Francisco in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1985

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

RESOLUTION 347-85THE CALIFORNIA HOMICIDE INVESTIGATOR'S ASSOCIATION
ANNUAL TRAINING

RESOLVED, that the recommendation of the Chief of Police that Lieutenant George Kowalski and two (2) Inspectors of the Homicide Detail, be authorized to attend the California Homicide Investigators Association Annual Training Seminar conducted by the California Homicide Investigator's Association in Reno, Nevada from March 6th to March 8, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$45.00 each for tuition will be defrayed by the Department Training Fund.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 348-85INVESTIGATIVE SEMINAR

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Joseph Lordan and sixteen (16) other members of the Investigations Bureau, be authorized to attend the Investigative Seminar, conducted by the San Francisco Police Department in Santa Cruz from March 18th to March 19, 1985, is hereby approved; and be it further

RESOLVED, that expenses for subsistence, not to exceed \$3,000 will be defrayed by the Department Training Fund. The Department will be billed for the cost of the seminar at a later date.

AYES: Commissioners Toler, Nelder, Hsieh, Nelder
ABSENT: Commissioner Daly

RESOLUTION NO. 349-85HAZARDOUS DEVICES SCHOOL

RESOLVED, that the recommendation of the Chief of Police that Sergeant Robert Hankins and Officer William Taylor, of the Explosive Ordnance Device Unit (Bomb Squad)/Tactical Division, be authorized to attend the Hazardous Devices School, conducted by the Federal Bureau of Investigation in Huntsville, Alabama from March 31st to April 26, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$2,609.25 each for travel, subsistence, textbooks and four weekends will be defrayed by the Department Training Fund.

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

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RESOLUTION NO. 350-85

TRAVELING EXPENSE VOUCHERS-- APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Capt. Charles Beene (Critical Incident
Lt. John Gleeson Management Seminar
(Sacramento, CA
(2/20/85
(\$66.00 each

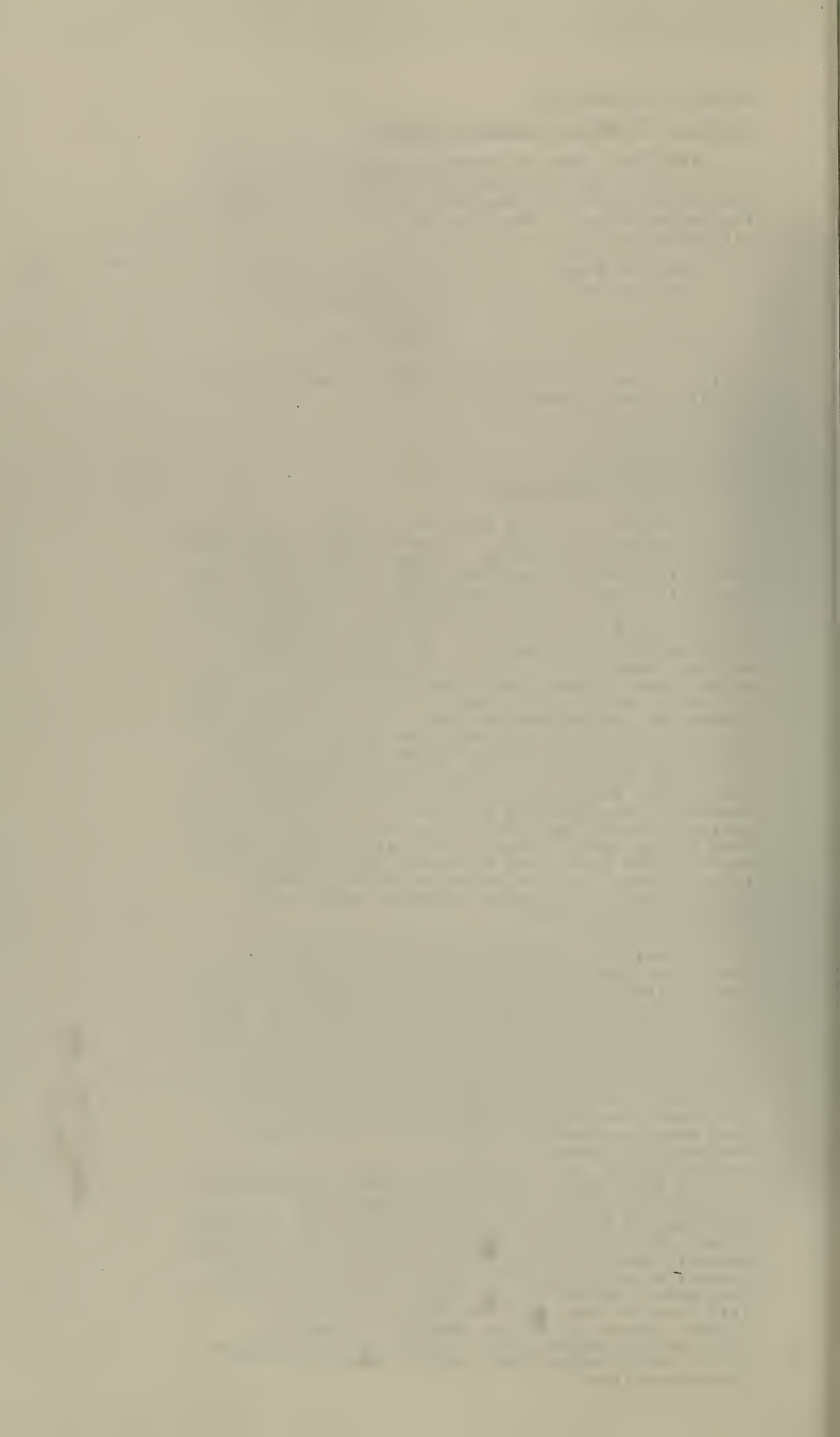
AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

POLICE COMMISSION REPORT

Commissioner David Sanchez said the Police Commission met this date in Closed Session pertaining to Attorney-Client matters and no vote was taken. Commissioner Nelder mentioned that on March 28th, the Commission would like to hear from the Coleman Youth Foundation in an effort to develop a crime prevention program which would reflect a Diversion Program for troubled youths in the City. He said he would also ask the Commission to join him in approval of that pursuit and to have Lieutenant Frazier notify Captain Vic Macia, Officers Art Tapia and Peter Maloney to be present at that particular time. He said there will also be some representatives from the Coleman Youth Foundation present to speak on the subject matter. He said he felt that a Crime Prevention Program of this nature would be beneficial to the whole City and County of San Francisco because if it can deter some youths from getting into difficulty, it would be a step in the right direction and save a great deal of money in the pursuit of criminals later on. He said he would move that the matter be heard on March 28th. Commissioner Toler seconded, and it was unanimously approved.

Commissioner Thomas Hsieh said he wanted to remind the Commission, as well as the Department, that on the 27th of this month there will be a second event regarding the "My Favorite Cop" program. He said the Selection Committee will announce the names of two officers who will receive the award, each of whom will receive one thousand dollars from the private sector. He said the first program was well received by the public and he certainly hoped that the Commission and Department will continue to see that more outstanding officers are selected and bestowed this honor.

He said, also, along those lines he would like to ask the Commission to take a look at the Department's Medal of Valor Program in that the Gold, Silver, Bronze and Meritorious Conduct Awards and the monetary award given for those should be reviewed and brought up to parity with other like programs. He then made a motion for the Commission to establish a task force to work with the Chief of Police and quickly review all of the Department's Awards Programs and return with a report to the Commission as to their findings and possible approval of new recommendations.



Commissioner Nelder said he would second the motion. It was then unanimously approved. Commissioner Sanchez said that he would now appoint Commissioners Nelder and Hsieh to sit on this task force along with Chief Murphy.

Commissioner Sanchez then said that at this time he would like to point out that the Police Commission, at the last meeting, appointed the negotiator for the Commission relating to meet and confer with the SFPOA on the OCC Investigative Hearing Rules. He said he would like to inquire from the negotiator as to what is the status and/or recommendations regarding progress on the OCC Investigative Hearing Rules. He said again he would like to thank those members of the Commission who have served as a committee of one, rearranging their schedules to accommodate for over 150 hours, so far logged in, regarding this very important process.

Mr. Frank Schober, the Negotiator, said that last night at approximately 10:00 p.m., the San Francisco Police Officers' Association (SFPOA), himself and Staff, completed some 37 hours meeting and conferring on this issue. He said as the Commissioner pointed out, there have been members of the Police Commission who have attended all of those sessions. He said there are a couple of unresolved issues. He said both parties feel they need a short time more this coming week, and, he said he is willing to meet on weekends and evenings in order to accomplish this, as no more than 20 hours would be necessary. He sees no reason why they cannot finish full airing, if not complete agreement, on all issues by early Wednesday of next week. He said his recommendation would be to the Commission to agree to that small extension as both parties has had a good deal of airing of issues and a very fair and good faith negotiations at this point. Commissioner Nelder said he would move approval of this request. Commissioner Toler said he would second it and it was unanimously approved.

STATUS REPORT ON THE POLICE ACADEMY

Captain Michael Brush, Commanding Officer, Personnel Division, addressed the Commission on this subject. He said a few weeks ago the Commission requested a briefing on the Police Academy and the Field Training Officer (FTO) Program. He said he has present tonight, Lt. Don Carlson, Officer in Charge of the Police Academy, and also Mr. Ray Wong, Coordinator of the Consent Decree, to answer questions from the Commission.

Lieutenant Don Carlson, in his presentation, gave an overview of the Police Academy from 1976 which included the first large group of 60 women. He said in 1977 the volume of people increased and the Academy moved to Treasure Island. He said in 1979 the Federal Consent Decree came into being and this brought on another increase in the numbers of Academy students. He said during this period of time up to the present, there has been a greatly improved program as all testing and training has been done in accordance with California Peace Officer and Standards requirements. He said there has never been, and he would assure the Commission that there will never be, any planned or conscious bias toward any member of any group that comes to the Academy, or any individual that comes to them.

He said the number of classes since he was appointed Lieutenant has slowed down tremendously. He said this has also led to a reduction in staff and also enables them to concentrate on other programs and maintain quality as required by P.O.S.T. Commissioner Hsieh then said that in the past there has been some discrepancy in the training administered by the Academy as opposed to the FTO training, and he felt that since both programs are now together, he would like to see that the programs for both are somehow standardized.

Deputy Chief Trueb said that the program, as far as the FTO is concerned, has been re-evaluated. He said because of this re-evaluation, the Department has instituted a Phase III portion. He said the combined program is situated now where they are tested academically and then they are being placed in the field under stress situations and placed with what is called a street cop. He said the purpose is to get a Police Officer who is going to be competent and efficient as a police officer. He said the Department also has to face the fact that not everyone is going to make the grade.

Commissioner Hsieh said he was happy to hear this but his continuing concern was the fact that Officers are graduating from the Academy before family and friends and thereafter, in many cases being fired for not coming up to FTO standards.

Commissioner Sanchez said the Department will present once again to the Commission an update regarding the issues discussed this evening on the overall profile of the training units of the Academy and FTO programs.

Mr. Ray Wong, Consent Decree Coordinator, then addressed the Commission. Mr. Wong said his office had presented to the Commission Office two reports. One, he said, was on the psychological process the Department uses and the other the number of people who have retired since the inception of the Consent Decree up to the point of where they have graduated from the FTO program.

Commissioner Hsieh said since the Commission had just received these reports, he wanted an explanation as to some of the statistical data they contained.

Mr. Wong said these data involve Classes 133 and 157. He said Class 133 was the first class hired under the Consent Decree and Class 157 was the last class to graduate from the FTO Program. He said during the period of time between the 133 and 157, the Department has hired 933 people. He said out of that number 649 people made it through, which turns out to be something like 70%. He said the failure rate is a 30% wash-out rate for the combined Academy and FTO Programs. He said the most relevant statistic is to factor out the people who have voluntarily resigned and are technically eligible to be reemployed by the Department. He continued by saying when this is done then the success rate is 80%. He said if you look at column seven of the report, you will see that 76% of the Asians made it. He then mentioned a newly created seven member Appeals Board for Officers who did not make it through the Program.

Deputy Chief Trueb said he was the person who created the Appeals Board and selected the members for the Board. After describing the racial makeup of the Board to the Commission, Commissioner Hsieh said he felt the Board should have some Asian representation as it is important to have some who can provide some input from a very unique background. Therefore, he said he would recommend and make a motion for an expansion to nine members of the Appeals Board. Commissioner Sanchez said he concurred but recommend nine as an uppermost limit because it will be on a rotation basis, and if there are any more than that number, then it would become unwieldy and ineffective. Commissioner Hsieh said he would amend his motion to cover this point. The motion was seconded by Commissioner Toler and unanimously approved.

Mr. Wong, in response to Commissioner Nelder's question on where we are as far as Psychological Testing, said the Department, up to this point, has put 203 people through Psychological Screening. He said as of this time, they are using it as the most fundamental level. He continued by saying they are only rejecting people who clearly are emotionally unstable and therefore, representing a vicarious liability to the Department should they be employed. He said in order for them to use the Psychological Screening process at a more special level that is more of a selection tool rather than a de-selection tool, they are going to have to validate its predictive value. He said, in other words, they are going to have to say that the judgment that the test makes actually bares out as to how they do in the field. He said this, however, will not be viable for at least another two years when sufficient data is collected to make that determination.

He said in his letter to the Commission, it was stated that he would be happy to arrange with Dr. Mike Roberts or Dr. Johnson to make a presentation, or if the Commission doesn't desire that, he would be sending periodical reports on the progress of the program. Commissioner Nelder said that at some point, he would like to hear from Dr. Roberts.

HEARING OF POLICE OFFICER PETER GAMINO, CENTRAL STATION

RESOLUTION NO. 351-85

WHEREAS, the date to be set for the hearing of the disciplinary charges filed against Police Officer Peter Gamino, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing before the Police Commission be set for April 18, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Peter Gamino, Central Station, is set for Thursday, April 18, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DENNIS H. ALVARENGA, MISSION STATION

RESOLUTION NO. 356-85

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Dennis H. Alvarenga, Mission Station, as follows:

SPECIFICATION NO. 1

Using official position to avoid consequences of illegal conduct (violation of Rule B-7 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to maintain oneself in fit condition to perform police duties while carrying a firearm off-duty (violation of Rule A-3 of General Order D-1 of the San Francisco Police Department);

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Dennis H. Alvarenga, Mission Station, is set for Thursday, March 21, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

SETTING OF DATE FOR HEARING OF POLICE OFFICER ROY M. RAMOS, NORTHERN STATION

RESOLUTION NO. 355-85

WHEREAS, the date to be set for the hearing of the disciplinary charges filed against Roy M. Ramos, Northern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing before the Police Commission be set for March 21, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Roy M. Ramos, Northern Station, is set for Thursday, March 21, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez, Toler
ABSENT: Commissioner Daly

HEARING OF OFFICER PHILIP J. LEE, Jr., MISSION STATION

The Hearing of Police Officer Philip J. Lee, Mission Station, was called it having been set for this date. Police Officer Philip Lee was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Philip J. Lee appeared in person and was represented by Officer Gerald Schmidt, a Representative of the San Francisco Police Officers' Association.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

Closing statements were made by Prosecuting Attorney Mr. Jerry Akins, and Representative for the Police Officers' Association, Officer Gerald Schmidt.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specification No. 1 are sustained as amended.

Based on those findings, The Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Philip Lee be suspended for 60 days, said suspension to be held in abeyance for two (2) years, with the provision that he participate in a rehabilitation program. The 60 day suspension shall be imposed if any other charges of misconduct are made.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 339-85

WHEREAS, on November 8, 1984, San Francisco Police Chief Cornelius P. Murphy, made and served charges against Police Officer Philip J. Lee, Mission Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

(a) At all times herein mentioned, Philip J. Lee Star No. 1473, was and is a police officer employed by the San Francisco Police Department and assigned to Company D - Mission Station;

(b) As a police officer, Officer Lee (hereinafter referred to as the accused) was and is responsible for knowing and obeying the Rules and Procedures of the San Francisco Police Department;

(c) On or about June 28, 1984 at approximately 2015 hours at San Bruno Avenue and Woolsey Street in San Francisco, the accused while off duty and on disability leave, became engaged in an altercation with a female friend and slapped the female;

* (d) The accused followed the female friend to a residence located on Harvard Street. After being refused entry, the accused kicked down the door of the residence, pulled the female from the residence down several stairs until they reached the street, where the accused also pushed and slapped the female, then proceeded to throw the female down on the pavement; then fell with the female down on the pavement;

(e) The accused, by slapping a female, kicking down the door of a residence after being refused entry, pulling a female from the residence down several stairs and throwing the female to the pavement fell with the female down on the pavement, has engaged in conduct which reflects discredit upon the Department, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct, triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 31, 1985, and on Thursday, March 14, 1985, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that the said allegations contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained as amended; therefore be it

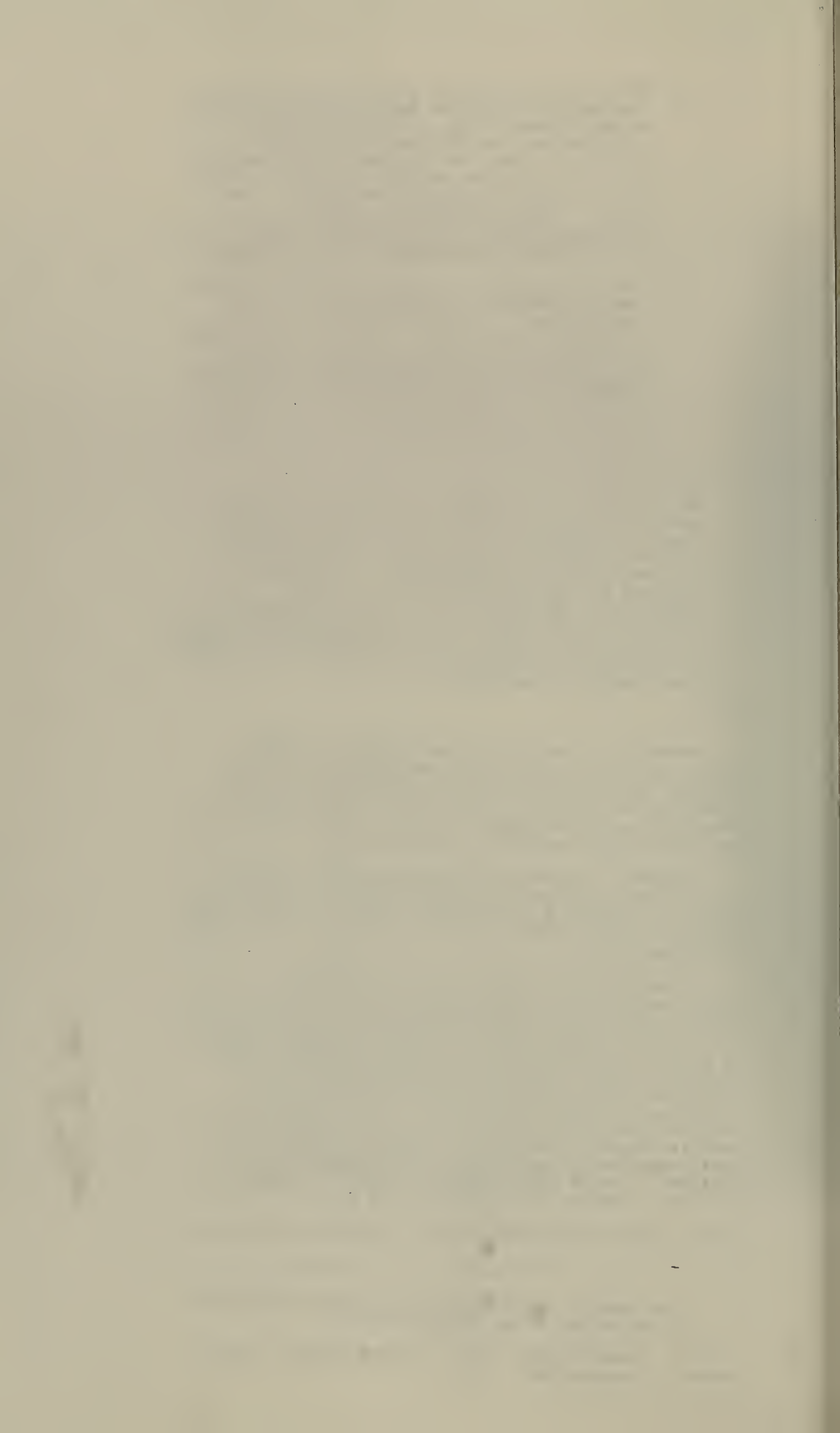
RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission Orders that for said violations, Officer Philip Lee, Mission Station, shall be suspended for 60 days, said suspension to be held in abeyance for two (2) years, with the provision that he participate in a rehabilitation program. The 60 days suspension shall be imposed if any other charges of misconduct are made.

Recess taken during the Hearing of Officer Philip Lee:

7:40 p.m. to 7:43 p.m.

(The entire proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly



CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief had no report for the Commission at this time.

PUBLIC HEARING ON THE INVESTIGATIVE HEARING RULES OF THE OFFICE OF CITIZEN COMPLAINTS

Commissioner David Sanchez said the Office of Citizens Complaints (OCC) are still meeting and conferring with the San Francisco POA.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. N-3, "COURT APPEARANCE, DEPARTMENT MEMBERS"

Deputy Chief Richard Trueb said the Department has met and conferred with the San Francisco Police Officers' Association (SFPOA) on Department General Order No. N-3 which dealt with complaints received from the District Attorney's Office as to the mode of dress some of the Police Officers were attired in when they came to court. He said this order instituted a dress code which was acceptable to all concerned. He said changes in I-14 requested by the Commission has now been incorporated and the POA agreed to it and also to I-3. Commissioner Nelder then moved for approval, it was seconded by Commissioner Toler and unanimously approved.

RESOLUTION NO. 357-85

RESOLVED, that the Police Commission hereby adopts Department General Order N-3, Court Appearance, Department Members.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 358-85PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. I-3, "CITATION RELEASE POLICY"

RESOLVED, that the Police Commission hereby adopts Department General Order No. I-3, "Citation Release Policy"

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 359-85PUBLIC HEARING ON DEPARTMENT GENERAL ORDER I-14, "TRAFFIC CITATIONS"

RESOLVED, that The Police Commission hereby adopts Department General Order No. I-14, "Traffic Citations".

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

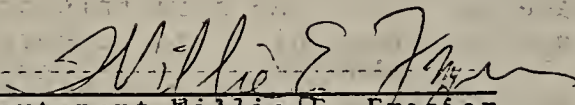


Commissioner Alfred Nelder then asked the Chief of Police to see if he would have those persons who attend the various training sessions submit a report through the Chief to The Commission so that The Commission would have a rough idea of what occurs at the various training seminars they attend.

Chief Murphy said that that will be part of the training program to follow through with those reports upon completion of those seminars and training sessions, and The Commission will commence receiving them in the near future.

Thereafter, Commissioner Nelder moved for adjournment, Commissioner Burl Toler seconded, and it was unanimously approved.

THE MEETING WAS THEN ADJOURNED AT 7:48 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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 = Minutes
 19 MARCH 1985 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on March 19, 1985 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Daly, Hsieh, Nelder
 ABSENT: Commissioners Sanchez, Toler
 Commissioner Alfred Nelder presiding.

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HEARING OF POLICE OFFICER MARTHA D. FABIANI, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION - (CONTINUED) FROM MEETING OF MARCH 7, 1985

The hearing of Police Martha D. Fabiani, Communications Division, was called it having been set for this date. Officer Martha Fabiani, was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which tends to reflect discredit on the Department and the members of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Attempting to use her official position to secure personal privileges or avoid the consequences of illegal conduct (violation of Rule B-7 of General Order D-1 of the San Francisco Police Department)

CHARGE NO. 3

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Martha Fabiani appeared in person and was represented by Mr. Lincoln Mintz and Ms. Bonnie Narvy.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

The Charges against Police Officer Martha Fabiani were then read into the record.

The following named witnesses were called by the Prosecution were sworn and testified:

Assistant Patrol Special Officer Robert Eller
 Southern Police District

Assistant Patrol Special Officer Dennis Radley
 Park Police District

The following named witness was called by the Defense, was sworn and testified:

Officer Martha D. Fabiani - Communications Division

The following exhibits were entered into evidence by the Defense:

Exhibit A One 3x4 Color Photo of Left Upper Thigh of Officer Fabiani

Exhibit B One 3x4 Color Photo of Left Upper Thigh of Officer Fabiani

Exhibit C Memorandum dated March 26, 1984 on plain white paper prepared by Officer Martha Fabiani

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 is sustained. Charge No. 2, and Charge No. 3 are not sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Officer Martha D. Fabiani, Communications Division, be suspended for 20 calendar days.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 340-85

DECISION - HEARING OF OFFICER MARTHA D. FABIANI, COMMUNICATIONS

WHEREAS, on December 31, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Martha D. Fabiani, Communications Division, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which tends to reflect discredit on the Department and the members of the Department (violation of Rule A-9 of General D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Martha D. Fabiani, Star 421, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, assigned to the Communications Division;
- (2) As a Police Officer, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

- (3) On or about May 26, 1984, at approximately 0200 hours, the accused while off-duty, in the company of two of her friends went to the Dansuer Club, an after hours club located at 3rd and Harrison Streets, in the City and County of San Francisco;
- (4) Shortly after entering the club at or about said time and place, one of the companions of the accused was in possession of two bottles of beer, a brand not sold on the premises. Said bottles of beer were confiscated by a security guard;
- (5) Shortly after the incident set forth in paragraph (4) above a different security guard removed another bottle of beer from the same companion of the accused;
- (6) The two security guards then approached the accused and her companion to discuss the incident and the accused told the guards that everything was all right. The two guards requested documentary identification and the accused's companion became unruly so the guards escorted the two women to the door;
- (7) Enroute to the door the accused and her companion threatened and attempted to intimidate the two security guards by stating that they were both San Francisco Police Department Officers who would cause the security guards big trouble as they were thrown out of the club, the guards permitted them to return to the dance floor;
- (8) The companion of the accused was not a San Francisco Police Department Officer;
- (9) By participating in consumption of alcoholic beverages after hours, by threatening the security guards for performing their duties and identifying her companion as a member of the Department, the accused has engaged in conduct which reflects discredit upon the Department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:
- "Any breach of peace, neglect of duty, misconduct or any conduct on the part of and member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 2

Attempting to use her official position to secure personal privileges or avoid the consequences of illegal conduct (violation of Rule B-7 of General Order D-1 of the San Francisco Police Department);

- (10) Realleges and incorporates herein by reference as though set forth in full each and every allegation contained in paragraphs (1) through (8) above, inclusive;
- (11) In connection with the security guard confiscating beer from the accused's companion, as set forth in paragraph (4) above, the accused attempted to intercede and prevent the guard from taking the beer by stating that she is a member of the San Francisco Police Department;
- (12) By using her position as a police officer to attempt to prevent employees of the establishment from properly performing their security duties in enforcing the alcoholic beverage laws, the accused has engaged in conduct which constitutes a violation of Rule B-7 of General Order D-1 of the San Francisco Police Department, which states:
 "Members shall not use or attempt to use their official position for securing personal privileges beyond what is authorized by law or for avoiding the consequences of illegal conduct."

CHARGE NO. 3

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department):

- (13) Realleges and incorporates herein by reference as though set forth in full each and every allegation contained in paragraphs (1) through (8) above, inclusive;
- (14) In connection with the accused's refusal to promote identification after her statement that she was a police officer, the accused, was stopped at the door by an on duty patrol officer, at that time and place a security officer employed by the club attempted to talk to the accused who elbowed him in the stomach and then punched him in the nose;
- (15) The accused by striking the security officer employed by the club in the stomach and in the nose engaged in conduct which violates Penal Code Section 242, which states:
 "A battery is any willful and unlawful use of force or violence on the person of another."
- (16) By engaging in conduct which would constitute a violation Penal Code Section 242, and by participating in the consumption of beer after hours, the accused has not only failed to enforce the law as required by her oath, but has engaged in conduct of a criminal nature, which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:
 "Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, March 7, 1985, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that the said allegations contained in Charge No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained; therefore be it

RESOLVED, that The Commission finds that the allegations contained in Charge No. 1, as preferred by the Chief of Police against Police Officer Martha D. Fabiani are sustained by the evidence presented and said allegations are adopted as its findings in this matter. Charge No. 2 and Charge No. 3 are not sustained; and be it further

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission Orders that the following discipline be imposed:

Charge No. 1 20 Calendar Days Suspension

and be it further;

RESOLVED, that said suspension shall commence on Wednesday, March 20, 1985 at 0001 hours and end on Monday, April 8, 1985, at 2400 hours.

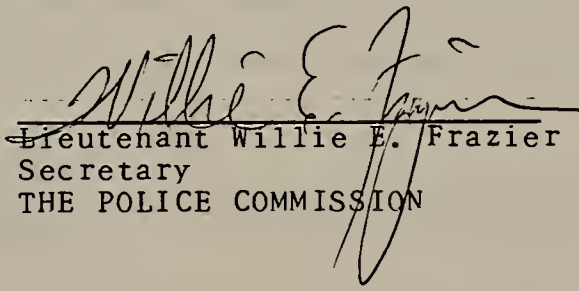
AYES: Commissioners Daly, Hsieh, Nelder

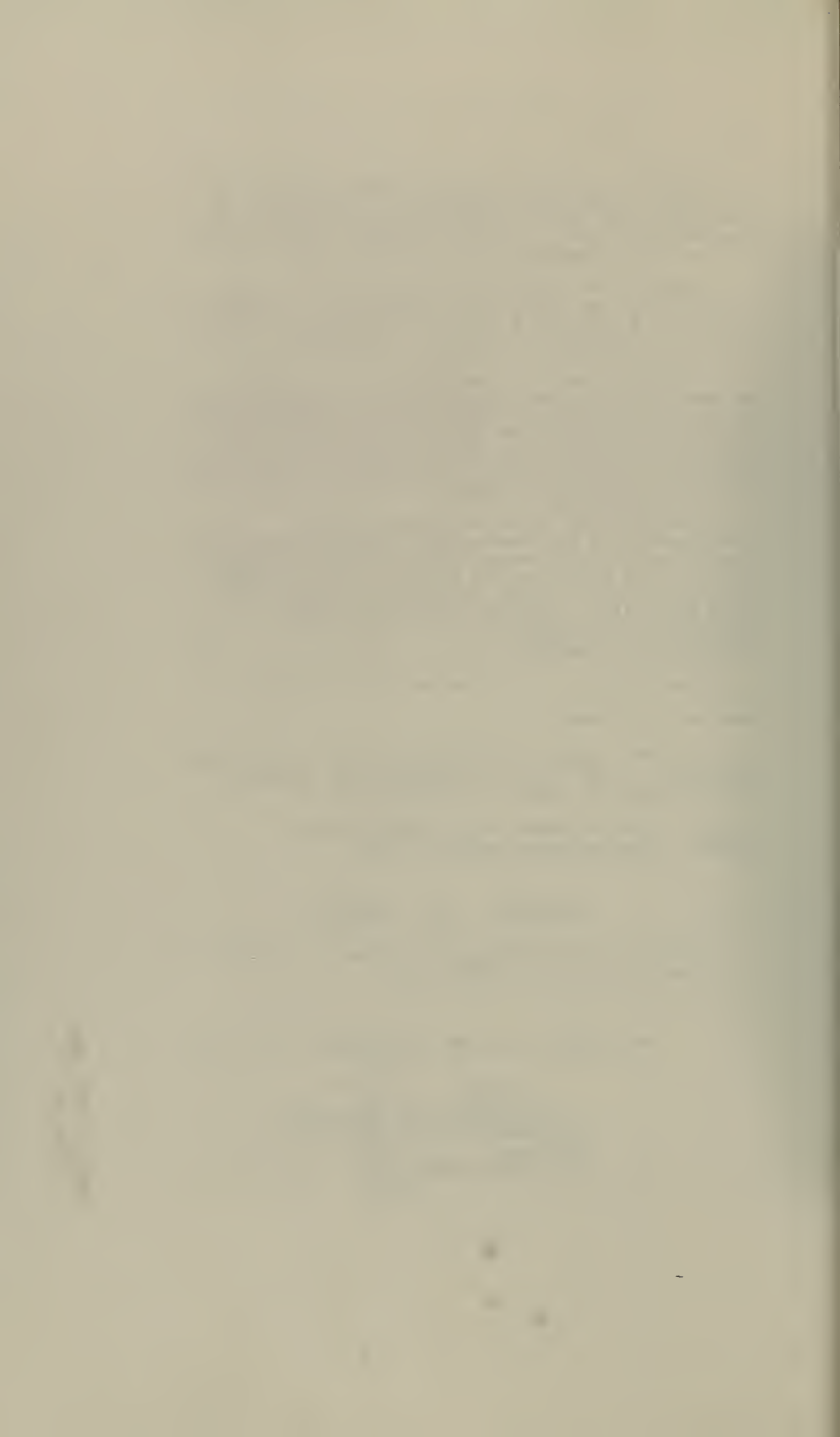
ABSENT: Commissioners Sanchez, Toler

9:32 p.m. to 9:50 p.m.
9:50 p.m. to 9:58 p.m.

(The Entire Proceedings were taken in Shorthand Form by Ms. Linda Pransky, CSR.)

THE MEETING WAS THEN ADJOURNED AT 10:00 P.M.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



Minutes

MARCH 21 1985

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on March 21, 1985 at 1630 hours in a Special Meeting in Closed Session.

PRESENT: Commissioners Daly, Hsieh, Nelder, Toler Sanchez

1. Attorney-Client Conference
2. Personnel Matter

Commissioner David Sanchez presiding.

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MAR 21 1985

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MARCH 21 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on March 21, 1985 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF FEBRUARY 28, 1985

Approval of minutes of the meeting of February 28, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco:

RESOLUTION NO. 362-85

JOSEPH MANZELLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Manzella in the sum of \$650.00 as the result of money used as police evidence and never returned, be, and the same is hereby approved.

Date of Incident: May 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

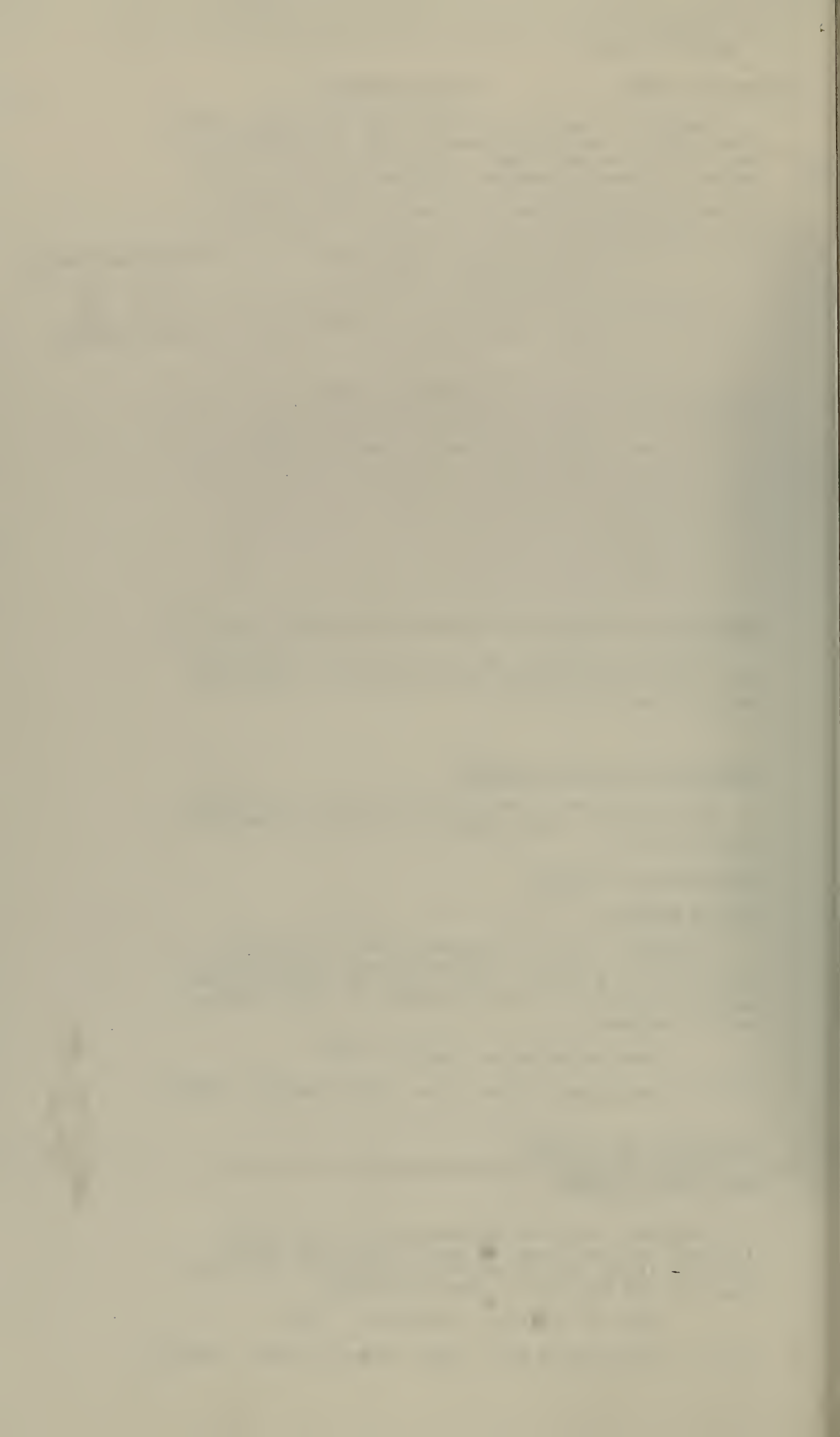
RESOLUTION NO. 363-85

ABC TOWING (FLORES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Flores) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 364-85YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 18, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 365-85ABC TOWING (HABIAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Habian) in the sum of \$63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 366-85JAMES A. PAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James A. Payne in the sum of \$57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 18, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 367-85SIMON WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Simon Williams in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 368-85LAWRENCE WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Wong in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 369-85

NANCY M. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy M. Wong in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 370-85

DAVID WILDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of David Wildman in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 371-85

DON TEETER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don Teeter in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 372-85

LAURIE ANN SILVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laurie Ann Silva in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 373-85

ALBA SARAVIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alba Saravia in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 374-85MALCOLM BRETT GLADSTONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Malcolm Brett Gladstone in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 375-85HENRY LOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry Low in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 376-85SOPHATH PAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sophath Pak in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder Sanchez

RESOLUTION NO. 377-85ARTHUR MONCRIEFFE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur Moncrieffe in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 378-85ABC TOWING (BLACKFORD)

RESOLVED, that the recommendation of City Attorney for settlement of the claim of ABC Towing (Blackford) in the sum of \$34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 379-85KENWOOD HAWKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenwood Hawkins in the sum of \$25.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 3, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 380-85YELLOW CAB CO-OP, INC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. in the sum of \$11.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT CRIMINALIST DANIEL LEE, CRIMINALISTICS SECTION, BE AUTHORIZED TO ATTEND THE SX OPERATION/APPLICATION TRAINING COURSE IN MADISON, WISCONSIN FROM APRIL 8th TO APRIL 12, 1985.

RESOLUTION NO. 381-85

RESOLVED, that the recommendation of the Chief of Police that Criminalist Daniel Lee, Criminalistics Section, be authorized to attend the SX Operator/Application Training Class, conducted by the Nicolet Analytical Instruments Co. in Madison, Wisconsin from April 8 to April 12, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$1,123.00 for travel, ground transportation and subsistence will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

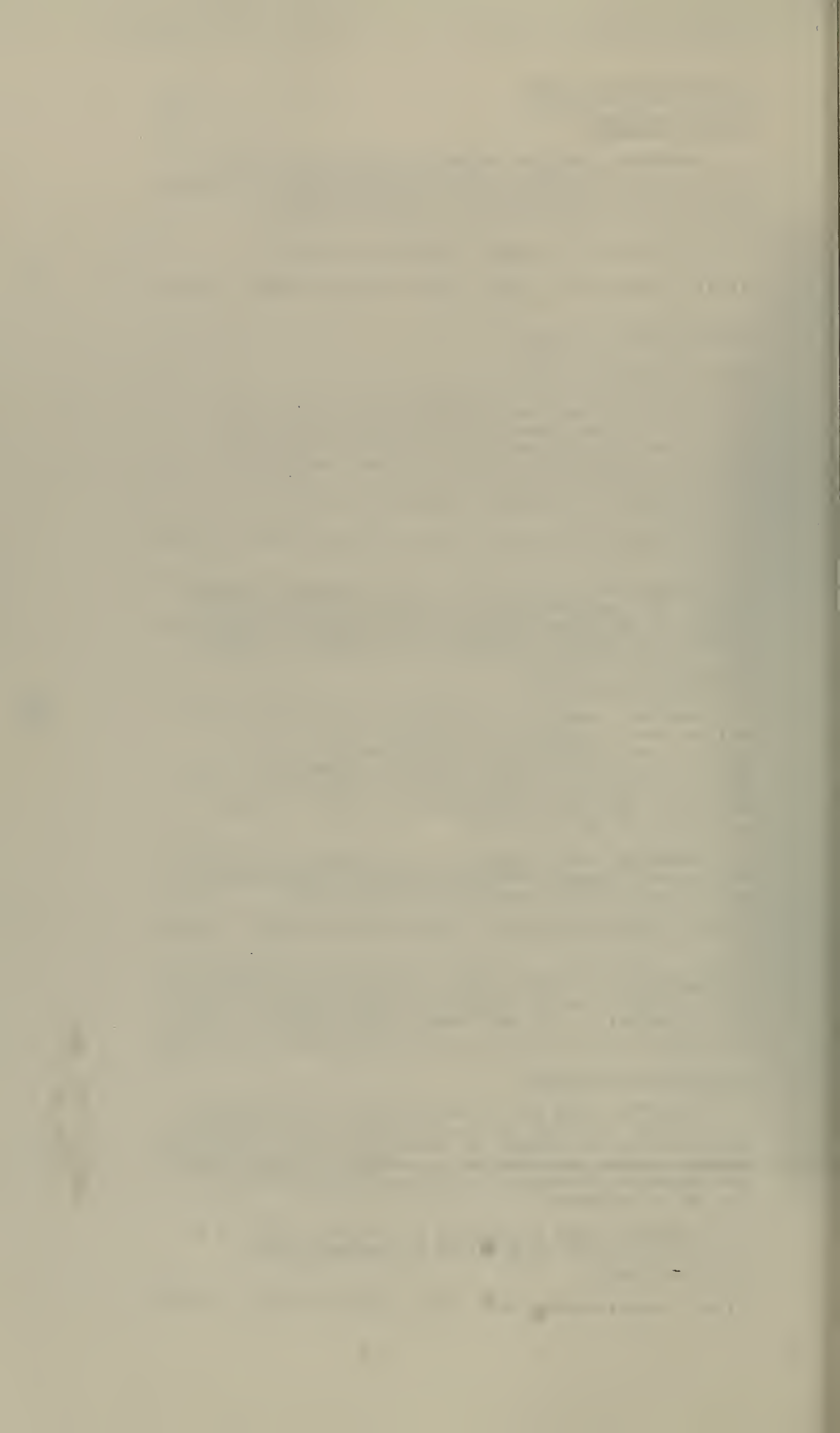
RECOMMENDATION OF THE CHIEF OF POLICE THAT ATTORNEY REA E. PUCCINELLI, LEGAL DIVISION, BE AUTHORIZED TO ATTEND THE DISCOVERY IN THE CALIFORNIA COURTS COURSE ON MARCH 30, 1985

RESOLUTION NO. 382-85

RESOLVED, that the recommendation of the Chief of Police that Attorney Rea E. Puccinelli, Legal Division, be authorized to attend the Discovery in the California Courts Course, conducted by the California State Bar in San Francisco on March 30, 1985, is hereby approved; and be it further

RESOLVED, that expense in the amount of \$75.00 for registration will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICERS RICHARD DANIELE, EDWARD SANTOS, ARTHUR STELLINI AND JOHN LOFTUS, NARCOTICS SECTION, BE AUTHORIZED TO ATTEND THE HEROIN INFLUENCE COURSE, FROM MARCH 22nd TO MARCH 24, 1985.

RESOLUTION NO. 383-85

RESOLVED, that the recommendation of the Chief of Police that Officers Richard Daniele, Edward Santos, Arthur Stellini and John Santos, Narcotic Section, be authorized to attend the Heroin Influence Course, conducted by Gavilan College in Gilroy, California from March 22 to March 24, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$195.45 each for travel and subsistence will be reimbursed by P.O.S.T. Tuition cost of \$25.00 each will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR GEORGE MATELLI, INVESTIGATIONS BUREAU BE AUTHORIZED TO ATTEND THE CRIME CONFERENCE '85: WHY IS CRIME DOWN? FROM MARCH 28th TO MARCH 29, 1985

RESOLUTION NO. 384-85

RESOLVED, that the recommendation of the Chief of Police that Inspector George Matelli, Investigations Bureau, be authorized to attend the Crime Conference '85: Why is Crime Down? conducted by the California Attorney General's Office in Los Angeles, California from March 28 to March 29, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$375.93 for registration, travel and subsistence will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

APPROVAL OF TRAVELING EXPENSE VOUCHERS

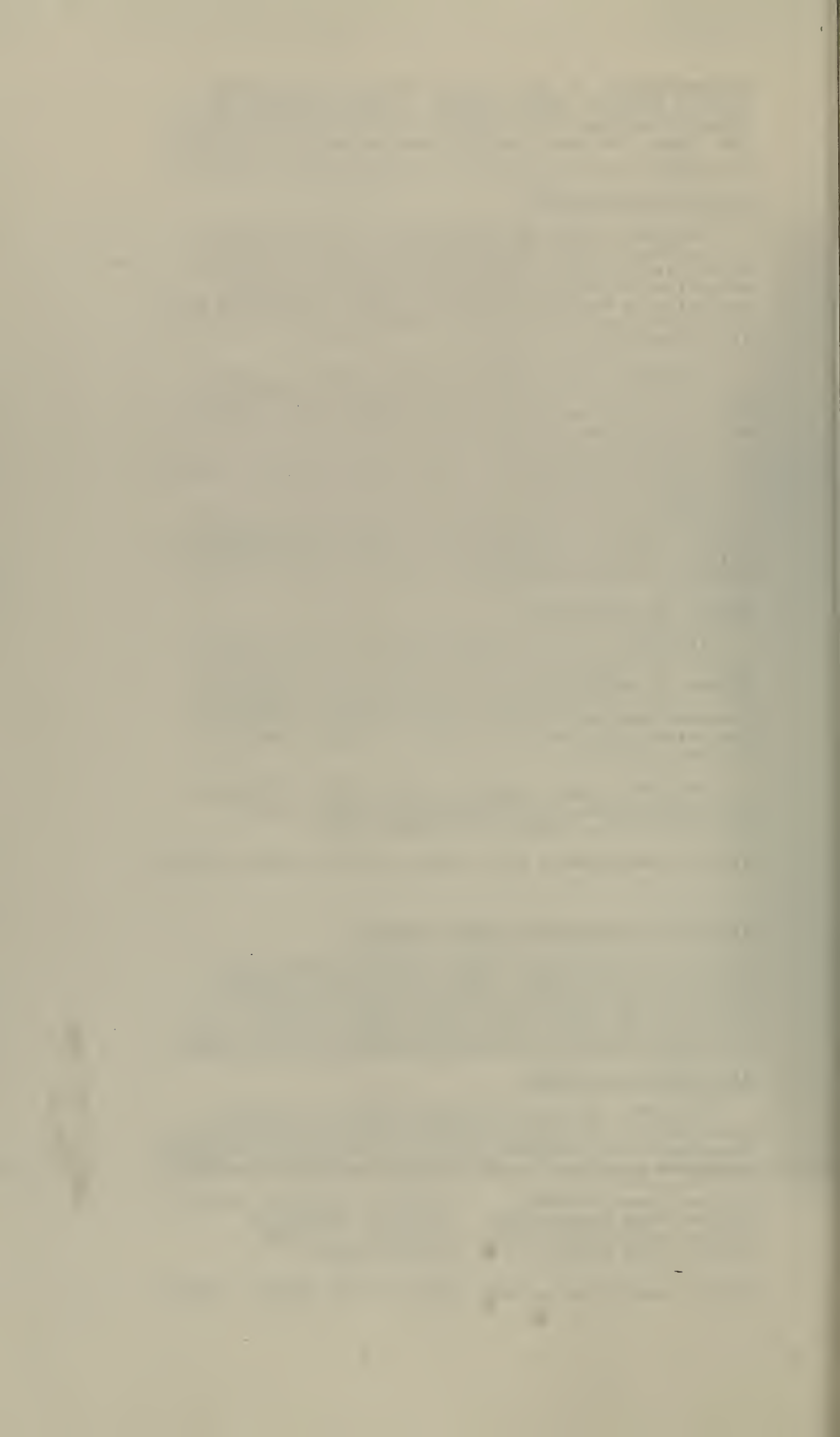
APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY OFFICERS JAMES ACEVEDO, GARY CONSTANTINE, MICHAEL SULLIVAN AND JOHN PARENTI, FOR EXPENSES INCURRED IN ATTENDING THE HEROIN INFLUENCE COURSE IN GILROY, CALIFORNIA FROM 01/11/85 IN THE AMOUNT OF \$259.40 EACH

RESOLUTION NO. 385-85

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Officer James Acevedo	(Heroin, Influence Course
Officer Gary Constantine	(Gilroy, California
Officer Michael Sullivan	(1/11/85 - 1/13/85
Officer John Parenti	(\$259.40 each

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY OFFICERS DONNA DeMARTINI AND THOMAS CLEARY, FOR EXPENSES INCURRED IN ATTENDING THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO FROM 02/03/85 TO 02/15/85 IN THE AMOUNT OF \$731.65 EACH

RESOLUTION NO. 386-85

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Officer Donna DeMartini (Narcotic Investigation)
Officer Thomas Cleary (Sacramento, California)
(02/3/85 - 02/15/85)
(\$731.65 each)

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR GARY FREDERICK, HIT & RUN SECTION, AND OFFICERS RAYMOND SHINE, ROBERT RYAN, JOHN SWEENEY AND EDWARD WEAVER OF THE TRAFFIC DIVISION, BE AUTHORIZED TO ATTEND THE ADVANCED TRAFFIC ACCIDENT INVESTIGATION/RECONSTRUCTION COURSE, FROM APRIL 1st TO APRIL 12, 1985.

RESOLUTION NO. 387-85

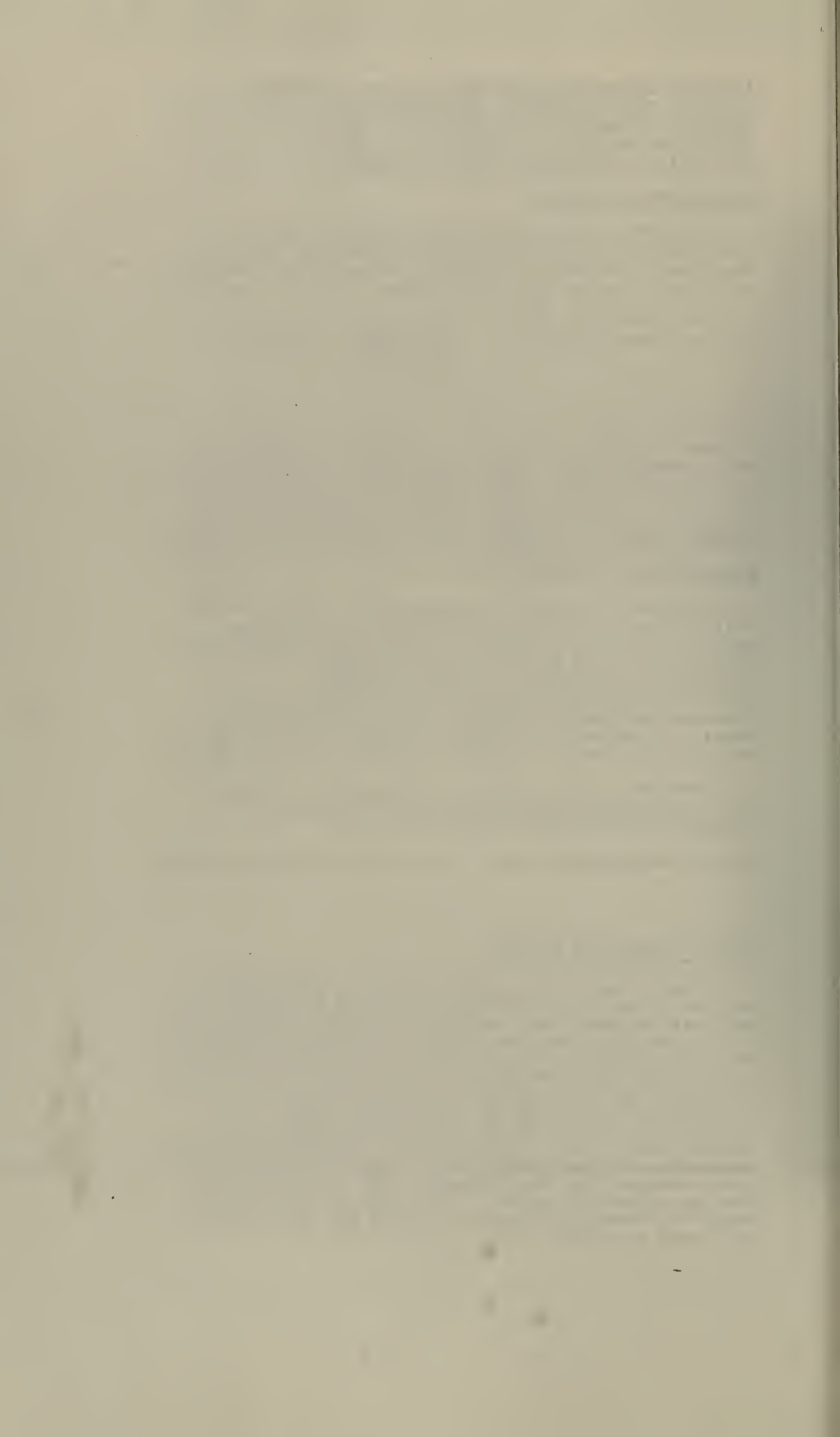
RESOLVED, that the recommendation of the Chief of Police that Inspector Gary Frederick, Hit and Run Section, and Officers Raymond Shine, Robert Ryan, John Sweeny and Edward Weaver, Traffic Division, be authorized to attend the Advanced Accident Investigation/Reconstruction Course, conducted by the Northern California Criminal Justice Training and Education System in Sacramento, California from April 1 to April 12, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$1,204.65 each for tuition, subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner Jo Daly said she had a report and she was sorry the Chief of Police Cornelius P. Murphy was not here tonight. She said she happened to live across the street from that devastating explosion on Ora Way and she believes that some letters will be forth coming and she said that she wanted to say from her own experience and her neighbors experience that the Police Officers who were handling that disaster did a spectacular job all the way around in handling the crowds, the traffic, the people who lived there and obtaining additional help there to put up plastic to cover windows that were broken. And she said it was just an all-around perfect job. She said she just wanted to verbalize that as a person who was involved and thank everybody.



CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Cornelius P. Murphy was absent and Deputy Chief Kevin Mullen who was sitting in for the Chief, said he had no report tonight for The Commission.

PUBLIC HEARING ON THE INVESTIGATIVE HEARING RULES OF THE OFFICE OF CITIZENS COMPLAINTS

Commissioner David Sanchez said that at this point The Commission would like to request the Director of Office of Citizens Complaints (OCC) who has been negotiating with the San Francisco Police Officers' Association (SFPOA), and also request's from other organizations to make some statements at this point, and there is a letter from the ACLU and BAR Association of San Francisco which he would request Lieutenant Willie Frazier, Secretary to The Police Commission, to read into the record in order for The Commission to consider the requests pertaining to its public organizations and bodies.

Mr. Frank Schober, Director of the Office of Citizens Complaints, then addressed The Commission on this item. He said they have completed nearly 57 hours of meeting and conferring with the Police Officers Association of the City of San Francisco. He said they have followed the Commission's guidance in attempting to support and protect the rights and responsibilities of both citizens and Officers. He said they have come to an agreement on a number of issues, unfortunately, not all of them, and that set of agreements including the agreement to disagree is reflected in the draft proposal that is before the Commission with copies he has for distribution to the interested parties at this time. He said he felt that the negotiations were valuable and were held in good faith and covered every line job and title of the proposals that they have presented. He said he felt that the rules as they have presented them will do the job.

Commissioner Sanchez then asked Lieutenant Frazier to read into the record the correspondence The Commission received earlier this week pertaining to the request for a continuance on this matter.

Lieutenant Frazier said actually the letter was received this date March 21, 1985, to Dr. David Sanchez: "Regarding March 21, 1985 Public Hearing on Investigative Rules for the Office of Citizens Complaints." Dear Dr. Sanchez, on behalf of the American Civil Liberties Union of Northern California and the Bar Association of San Francisco, I respectfully request The Commission to continue its public hearing on the investigative rules for the Office of Citizens Complaints for one week in order that the Public may study the proposed rules as revised following the meet and confer process with the San Francisco Police Officers' Association (SFPOA). As you know, both, the ACLU and the BAR Association has taken a long and active interest in the establishment of the OCC. Although we participated informally in the development of rules for the OCC and draft rules for OCC Hearings, we have not had an opportunity to review the draft OCC and draft OCC Rules as they have been revised following meet and confer with SFPOA. As of this morning we have not seen the revised set of rules which is the subject of a public hearing set for this evening.

We believe that one week to study the rules and to discuss them with Mr. Schober would be appropriate under the circumstances. The Charter requirement of a Public Hearing requires seven days advance notice and surely contemplates a meaningful hearing. The Hearing will not be meaningful until the public has had the opportunity to study the rules and since a good deal of time has passed since OCC was established one additional week for public input will be appropriate.

Sincerely yours, Amitai Schwartz, Staff Council.

Commissioner Daly then said to Commissioner Sanchez that in light of this letter she would move that The Commission continue this issue for one week. Commissioner Nelder said he would second the motion as the ACLU and BAR Association both sat in a couple of years ago when the Commission drew up the Rules and Procedures by which the Office functioned up until this time so he felt the Commission should extend that courtesy.

It was thereafter unanimously approved to be continued one week.

Officer Bob Barry President of the San Francisco Police Officers' Association (SFPOA) said that they have some serious problems. He said Mr. Schober gave the Commission an optimistic view of their meet and confer progress from last week. He said the process that has been ongoing for the last week has not been in good faith. There are some major issues of law, primarily, and some philosophical issues that has yet to be resolved. He said, Mr. Schober yesterday, when they concluded their meet and confer session, took his document and came back to the Hall and edited changes that they had tentatively agreed to, not the major changes, but, the minor. He said this morning he received the revised document with those changes. He said not only were not all of the changes incorporated into this public document that they agreed to because some were in fact eliminated and there were major revisions to this document in the last 24 hours that a few moments ago Mr. Schober told him that he was not even aware of. He said this now puts the onus back on The Commission to Meet and Confer. He said he did not understand how General Schober can come before the Commission and present this document as the one they have worked on for three weeks as it is not the document.

Mr. Dave Clisham, Attorney for the SFPOA spoke along the same lines and quoted some law regarding the meet and confer process and said that if no further steps are taken to amend the present document that The Commission currently has before it, they (SFPOA) will be forced to go to Superior Court to have some of the unresolved matters set aside that are blatantly against the laws of this state. And as of yesterday Mr. Schober refused to do that and that is why he was giving The Commission the letter. He then presented a letter to the Commission which stated in part that the negotiations could be completed in a short number of hours with an experienced negotiator.

Commissioner Sanchez then thanked Mr. Clisham and said The Commission would refer this to the Negotiator and Department Council and then respond. He then said the matter will be held over one week pertaining to The Public Hearing.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY FOR THE OPERATION OF LIMOUSINES - DENIED

Officer Speros from the Police Department's Permit Section said that on March 7, 1985 The Commission requested a report regarding the applications for public convenience and necessity on Limousines and Sightseeing permits. He said the Staff has submitted through the Chief a report on their research and findings on this matter. He said in this report they have referred to the State Public Utilities Commission documents regarding available Sightseeing and Limousine services in San Francisco and the Bay Area. He said they have also referred to several questions of legal definitions which were brought up at prior meetings regarding CLEAR AND CONVINCING EVIDENCE and the definition of PUBLIC CONVENIENCE AND NECESSITY in Law Dictionaries and also other external facts surrounding these applications and specifically the lack of complaints or a lack of service and the Traffic Congestion in the City and County of San Francisco. With all of the available facts they were able to garner at this time, it is the Conclusion of the Staff to submit to the Commission that the applications for Public Convenience and Necessity should be denied at this time.

Commissioner Thomas Hsieh moved to accept the Department's recommendation, seconded by Commissioner Burl Toler and unanimously approved.

RESOLUTION NO. 345-85

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY FOR THE OPERATION OF LIMOUSINES - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a limousine in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, March 21, 1984; and

WHEREAS, police department staff, after survey of prevailing conditions and activities of limousine operations, testified in opposition to the granting of additional permits and evidence in support of this position was presented to The Commission; and

WHEREAS, the law required that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of The Commission to deny additional limousine permits; and be it further

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

Reid, James L
Henke, Milton W. Jr.
Phillips, Charles E
Pearce, Charles W
Anzai, Masayoshi
Fraydouni, Nasser
Webb, John E
Filous, Nino
Biradelli, Geatano
Filous, Joe

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez Daly

RESOLUTION NO. 346-85

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUSES DENIED

WHEREAS, each of the below-named persons applied to The Police Commission for a declaration by The Commission of Public Convenience and Necessity for the issuance of permits to operate a Sightseeing Bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, March 21, 1984; and

WHEREAS, various persons testified in opposition to the granting of additional permits and evidence in support of their position was presented to The Commission; and

WHEREAS, the law required that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional sightseeing bus permits; and be it further

RESOLVED, that said permits shall be and are hereby denied to the below-named applicants:

- PRIVETT, Roy L
- CLUTTON, Robert
- FELSO, Dennis P
- GRIDLEY, Arnold S
- EICHLER, Thomas E
- COLLINS, Thomas. K
- SHARABI, Ariel A
- BUTTERY, Hugh C
- DESTA, Yossedek M
- CALVOE, Tony M
- DALPE, Guy R

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES
FILED AGAINST POLICE OFFICER ROY M. RAMOS, NORTHERN
STATION

RESOLUTION NO. 361-85

WHEREAS, the setting of a date for the hearing on the disciplinary charges filed against Officer Roy M. Ramos, Northern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for May 16, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Roy M. Ramos, Northern Station, is set for Thursday, May 16, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES
FILED AGAINST POLICE OFFICER DENNIS H. ALVARENGA,
MISSION STATION

RESOLUTION NO. 360-85

WHEREAS, the setting of a date for the hearing on the disciplinary charges filed against Office Dennis H. Alvarenga, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for May 9, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Dennis H. Alvarenga, Mission Station, is set for Thursday, May 9, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE OFFICER NIAL PHILPOTT, MISSION STATION

RESOLUTION NO. 342-85

WHEREAS, on October 12, 1984 Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Niall Philpott as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

WHEREAS, the Police Commission set Thursday, March 21, 1985, as the date for the hearing on charges filed against Police Officer Niall Philpott; and

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Officer Niall Philpott from the San Francisco Police Department; said resignation effective March 20, 1985, at 1700 hours, which resignation was accepted with the condition that the services of Police Officer Niall Philpott have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Niall Philpott, be, and the same are hereby continued off Calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER NIALL J. PHILPOTT, MISSION STATION - CONTINUED FROM MEETING OF JANUARY 17, 1985

RESOLUTION NO. 342-85

POLICE OFFICER NIALL PHILPOTT, MISSION STATION

WHEREAS, on October 12, 1984 Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Niall Philpott as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Officer Niall Philpott from the San Francisco Police Department; said resignation effective March 20, 1985, at 1700 hours, which resignation was accepted with the condition that the services of Police Officer Niall Philpott have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Niall Philpott, be, and the same are hereby continued off Calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 343-85

POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Officer Denis P. Joyce, Northern Station, as follows:

SPECIFICATION NO. 1

Failure to comply with Department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Denis P. Joyce, Northern Station, is set for Thursday, March 28, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 344-85

POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION/DOG UNIT

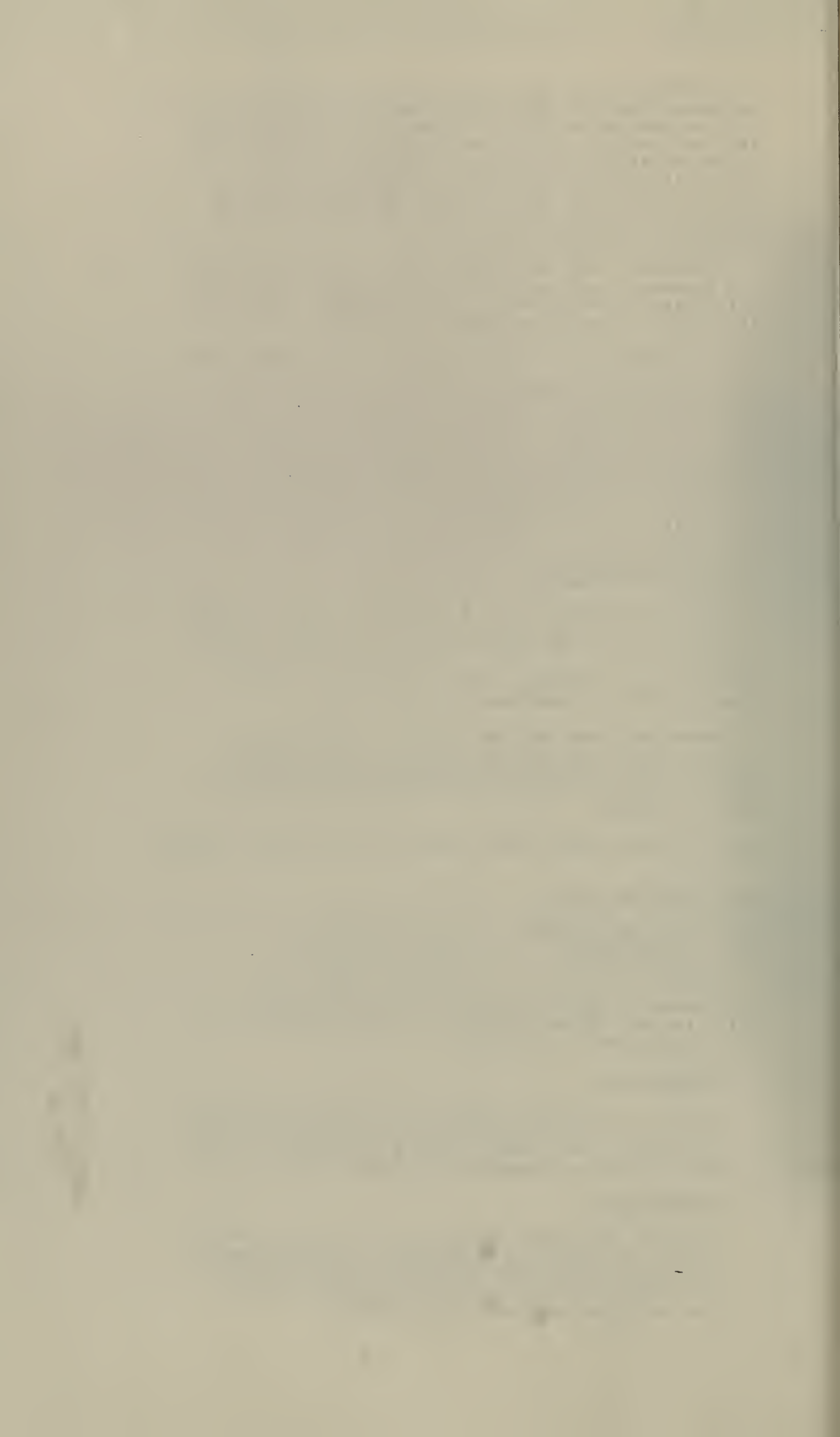
WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Officer Anthony J. Carreon, Tactical Division/Dog Unit, as follows:

CHARGE NO. 1

Failure to maintain himself in a fit condition to perform police duties while off duty and carrying a firearm (violation of Rule A-3 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

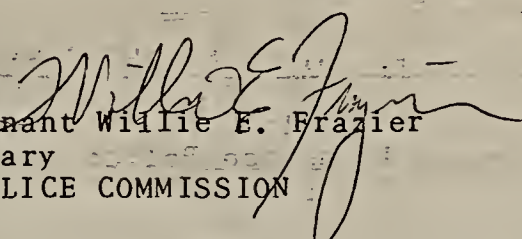


by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Anthony J. Carreon, Tactical Division/Dog Unit, is set for Thursday, March 28, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

THE MEETING WAS THEN ADJOURNED AT 6:12 P.M.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION



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MARCH 28, 1985

SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Brvant Street, on Thursday, March 28, 1985 at 1700 hours in a Closed Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez
DOCUMENTS DEPT.

Commissioner Sanchez presiding.

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MARCH 28, 1985

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Brvant Street, on Thursday, March 28, 1985 at 1730 hours in a Regular Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF MARCH 7, 1985

Approval of minutes of the meeting of March 7, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco.

RESOLUTION NO. 394-85

CALIFORNIA STATE AUTO ASSOCIATION (CHARLES MISEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of California State Auto Association (Charles Misel) in the sum of \$2,400.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 393-85

WESTERN PIONEER INSURANCE (MASAMICHI SEKI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Western Pioneer Insurance Co. (Masamichi Seki) in the sum of \$1,030.91 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 395-85MARIE A. JONES, CALIFORNIA CASUALTY INDEMNITY EXCHANGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marie A. Jones, California Casualty Indemnity Exchange, in the sum of \$529.23 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 396-85BOBBY GIBSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bobby Gibson in the sum of \$319.56 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 399-85GENE RINALDI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gene Rinaldi in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 400-85JOANNNE MARKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne Marks in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 401-85CATHY LIU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cathy Liu in the sum of \$63.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 402-85ANGUS MACKENZIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angus Mackenzie in the sum of \$67.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 403-85CRAIG N. WINTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Craig N. Winter in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 21, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 404-85ROGER C. PETERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger C. Peterson in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 8, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 405-85PAIGE SARGENT JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paige Sargeant Jackson in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 406-85RAIMUNDO FRIAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raimundo Frias in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 407-85MELINDA BERLANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melinda Berlant in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 408-85ISRAEL BABCHIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Israel Babchin in the sum of \$11.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 28, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 392-85SERGEANTS COMMITTEE, etc. vs CCSF, et al

RESOLVED, that judgement made for settlement of litigation of Sergeants Committeee in the sum of \$9,726.60 in San Francisco Superior Court No. 802-791 entitled "Sergeants Committee, etc. vs. CCSF, et al.", as a result of judgement in the entitled lawsuit, be, and the same is hereby approved.

Date of Incident: November 19, 1984

AYES: Commissioners, Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 409-85

REQUEST OF DIRECTOR, OFFICE OF CITIZENS COMPLAINTS, THAT SENIOR INVESTIGATOR DAN SILVA AND INVESTIGATOR MICHELE GILMER, OFFICE OF CITIZEN COMPLAINTS, BE AUTHORIZED TO ATTEND THE INTERNAL AFFAIRS SEMINAR IN LONG BEACH, CA FROM MARCH 20 TO MARCH 22, 1985

RESOLVED, that the recommendation of the Director, of Office of Citizen Complaints, that Senior Investigator Dan Silva and Investigator Michele Gilmer, Office of Citizens Complaints, be authorized to attend the Internal Affairs Seminar conducted by the Center of Criminal Justice Research and Training in Long Beach, California from March 20 to March 22, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$532.25 for subsistence, travel and tuition will be reimbursed by P.O.S.T. Twenty dollars each for ground transportation will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 410-85

RECOMMENDATION OF THE CHIEF THAT INSPECTORS RICHARD ESTRADA AND ROBERT SHEPHERD, GENERAL WORKS/INVESTIGATORS BUREAU, BE AUTHORIZED TO ATTEND THE PRISON GANGS COURSE IN ORANGE, CA FROM APRIL 1 TO APRIL 5, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Richard Estrada and Robert Shepherd, General Works/Investigations Bureau, be authorized to attend the Prison Gangs Course, conducted by the California Department of Justice in Orange, CA from April 1 to April 5, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$951.30 for subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 411-85

RECOMMENDATION OF THE CHIEF THAT INSPECTOR HOWARD BAILEY, HOMICIDE SECTION AND DEPARTMENT'S POLYGRAPHERS, BE AUTHORIZED TO ATTEND THE AMERICAN ASSOCIATION OF POLICE POLYGRAPHERS SEMINAR IN ALBUQUERQUE, NEW MEXICO FROM APRIL 23 TO APRIL 27, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspector Howard Bailey, Homicide Section and Department's Polygraphers be authorized to attend the American Association of Police Polygraphers in Albuquerque, New Mexico, from April 23 to April 27, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$641.25 for tuition, subsistence and travel will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

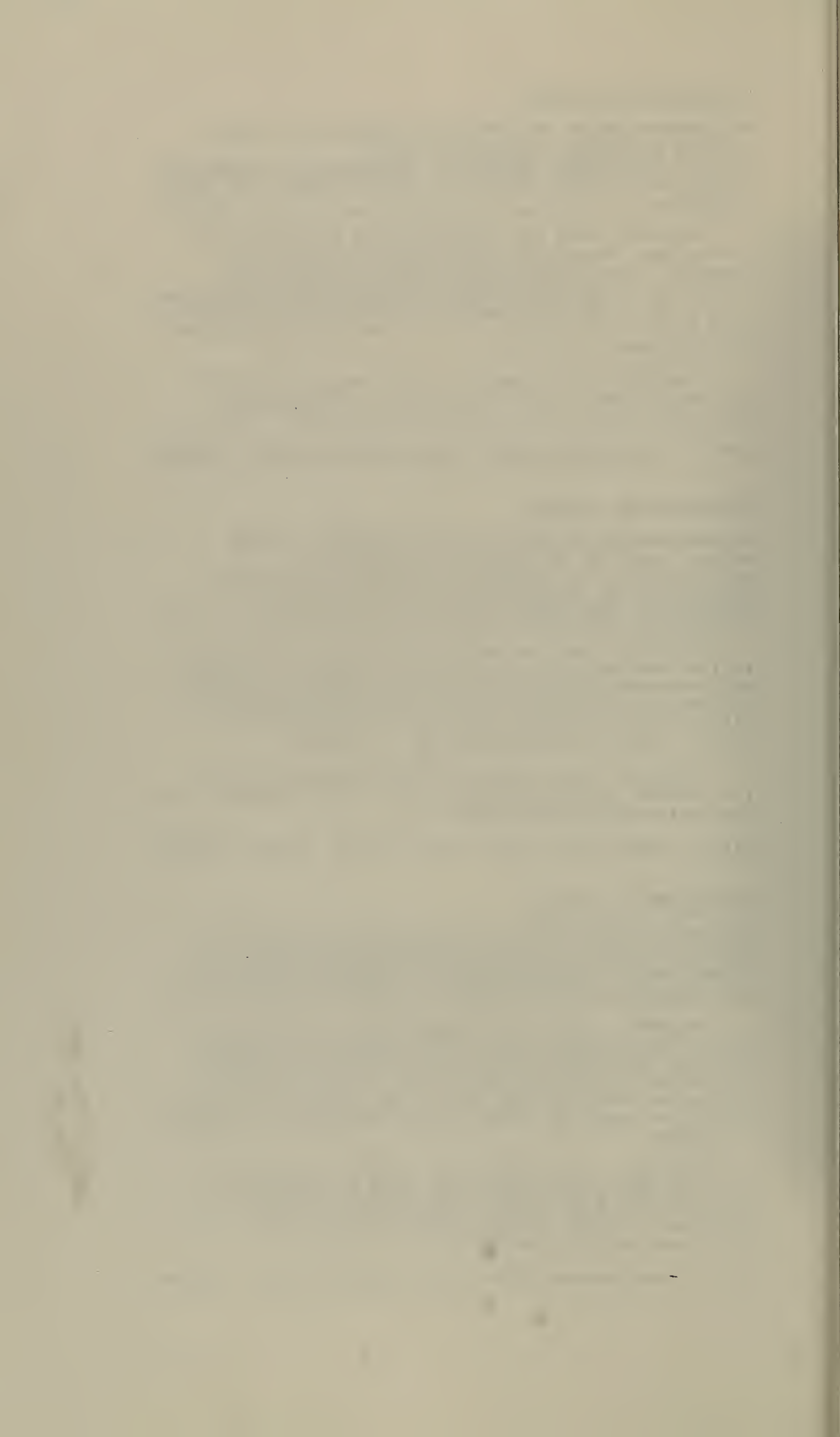
RESOLUTION NO. 412-85

RECOMMENDATION OF THE CHIEF THAT SGT. JOHN CARLIN AND OFFICER MICHAEL HAMILTON, NARCOTICS SECTION, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CA FROM APRIL 7 TO APRIL 19, 1985

RESOLVED, that the recommendation of the Chief of Police that Sergeant John Carlin and Officer Michael Hamilton, Narcotics Section, be authorized to attend the Narcotic Investigation Course, conducted by the California Department of Justice in Sacramento, CA from April 7 to April 19, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$731.65 each for subsistence and travel will be reimbursed by P.O.S.T. P.O.S.T. will also reimburse the Department for 60% of these members salary while they are attending this course.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 413-85

RECOMMENDATION OF THE CHIEF THAT CAPTAIN PAUL A. KOTTA, JUVENILE DIVISION, AND SERGEANT DENNIS A. GUSTAFSON, COMMUNITY SERVICES DIVISION, BE AUTHORIZED TO ATTEND THE GOVERNOR'S TRAINING CONFERENCE IN SACRAMENTO, CA FROM APRIL 8 TO APRIL 10, 1985

RESOLVED, that the recommendation of the Chief of Police that Captain Paul A. Kotta, Juvenile Division, and Sergeant Dennis A. Gustafson, Community Services Division, be authorized to attend the Governor's Training Conference on Crime Victims, conducted by the Office of Criminal Justice Planning in Sacramento, CA from April 8 to April 10, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$285.65 each for registration and subsistence will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 414-85

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Lieutenant Alan Mould (Field Training Officer Course
(Santa Cruz, California
(2/24/85 - 3/1/85
(\$858.00
(\$156.00 refund to the
(Department

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 415-85

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY INSPECTOR ROBERT RAMES AND INSPECTOR DAVE GILLIAM, FOR EXPENSES INCURRED IN ATTENDING THE ADVANCED TRAFFIC ACCIDENT INVESTIGATION/RECONSTRUCTION COURSE IN SACRAMENTO FROM 02/18/85, IN THE AMOUNT OF \$1,204.65

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Inspector Robert Rames (Advanced Traffic Accident
Inspector Gilliam (Investigation/Reconstruction Course
(Sacramento, California
(2/18/85 - 3/1/85)
(\$1,204.65 each

RESOLUTION NO. 416-85

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY INSPECTORS ROBERT RAMES AND DAVE GILLIAM, AND GARY FREDERICK, HIT & RUN SECTION, FROM EXPENSES INCURRED IN ATTENDING THE REMEDIATION FOR SKIDMARK ANALYSIS COURSE IN SACRAMENTO FROM 02/14/85 TO 02/15/85 IN THE AMOUNT OF \$303.30 EACH.

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Inspector Robert Rames	(Remidiation for Skidmark
Inspector Dave Gilliman	Analysis
Inspector Gary Frederick	(Sacramento, California
	(2/14/85 - 2/15/85
	(\$303.30 each

RESOLUTION NO. 417-85

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY DIRECTOR FRANK SCHOBBER, OFFICE OF CITIZENS COMPLAINTS AND LIEUTENANT GARY PISCHIOTTO, MANAGEMENT CONTROL DIVISION, IN ATTENDING THE 1985 AELE WORKSHOP ON POLICE CIVIL LIABILITY AND THE DEFENSE OF CITIZEN MISCONDUCT COMPLAINTS IN SAN FRANCISCO FROM 03/04/85 TO 03/06/85 IN THE AMOUNT OF \$365.00 EACH.

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Director Frank Schober)	(The 1985 AELE Workshop
Office of Citizens Complaints)	On Police Civil
Lieutenant Gary Pischitto	Liability and the
Management Control Division	Defense of Citizen
	Misconduct Complaints
	(San Francisco, CA
	(3/04/85 - 3/06/85
	(\$365.00 each

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 418-85

REQUEST OF DIRECTOR, OFFICE OF CITIZEN COMPLAINTS, THAT INVESTIGATORS BARBARA ATTARD, SHEILA McEVOY AND ARACELI MATUS, OFFICE OF CITIZEN COMPLAINTS, BE AUTHORIZED TO ATTEND THE INTERNAL AFFAIRS SEMINAR IN LONG BEACH, CA FROM APRIL 17 TO APRIL 19, 1985.

RESOLVED, that the request of the Director, Office of Citizen Complaints, that Investigator's Barbara Attard, Shelia McEvoy and Araceli Matus, Office of Citizen Complaints, be authorized to attend the Internal Affairs Seminar, conducted by the Center for Criminal Justice Research and Training in Long Beach, California from April 17 to April 19, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$532.25 each for subsistence, travel and tuition will be reimbursed by P.O.S.T. \$20.00 each for ground transportation will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met today in Closed Session pertaining to Attorney Client Conference and no vote was taken.

Commissioner Nelder said he had a matter he wanted to address to Chief Mullen. He said there was a Special Order regarding Patrol Special Officers that just came out where they are required to sign out at the District Stations.

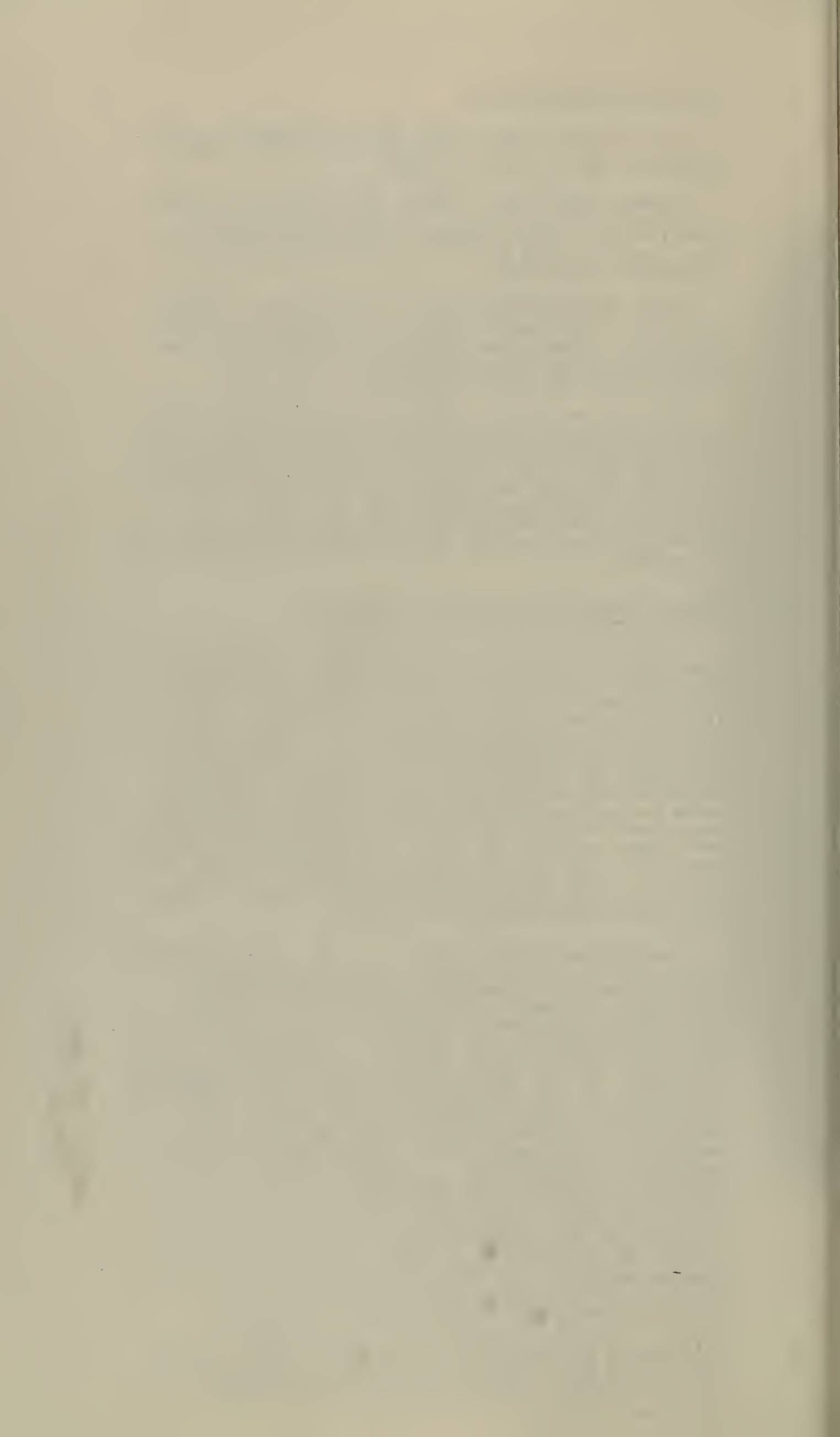
Chief Mullen acknowledged this and said no longer will they be allowed to report on and off by telephone. Commissioner Nelder said he felt this was an excellent step and that it will increase the efficiency of the Patrol Specials.

Commissioner Hsieh said he wanted to report to the Commission that two days ago there was a ceremony regarding My Favorite Cop and two officers were awarded One Thousand Dollars each and in addition given many citations from the Mayor, the Board of Supervisors, the District Merchants Association and the Police Commission. He said he feels that this program has gained a lot of favorable respect and publicity for the Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he would respond very briefly to some criticism aimed at the Department. He said it is in regard to an article in the newspaper saying that the SFPD was less than innovative. He said he felt he did not have to explain to the Commission the new innovations and changes that have been in the Department over the years to improve the basic services of the department for the people of San Francisco. He said the Department was criticized regarding its clearance rates by the San Jose Mercury News and when checked by Department Statisticians the discrepancies they said were there could not be found. He then pointed out the cases that have been solved by the Department over the years. He said the mis-characterization by the San Jose Mercury News has done the City and County of San Francisco a great and gross disservice.

Commissioner Nelder said all of the cases mentioned by the Chief were outstanding cases which he had familiarized himself with and there was one that he would like to comment about regarding a case which he feels demonstrate what Police Officers are and what they are supposed to do. He said it goes like this: "A short time ago a visibly pregnant nurse working nights had parked her car about three or four blocks away from the Hospital. She left her tour of duty in the dead of night and was rapidly walking west on Geary Street because of the lateness of the hour and while doing so heard foot steps behind her. She quickened her pace and so did the foot steps. At a dark spot two thugs jumped her, assaulted her and knocked her down. At that point she looked up and saw a radio car coming with a red light. The Officer exited the vehicle, collared the two thugs and nobody asked her what she thought of the SFPD but I am sure if they had you can imagine what she would have said. There are a multitude of cases like I just cited that if anybody asked they would tell you what they really truly think." He said these are the kinds of things our officers do day in and day out. He said the discussions he had with the particular reporter from the Mercury were eliminated with the exception of two negative comments that were made and were somewhat taken out of context.



He said he could fully understand what the Chief was saying.

Chief Murphy said the danger in what that article attempted to do was to compare the San Jose Police Department with the San Francisco Police Department. He said that is not a proper way to compare departments nor can you draw any conclusions from bare statistics alone. He said the clientele is different and crimes are different. He said there is one thing that they all have in common and that is, they are all human, they bleed, their bones break and they die when they bleed and they all bleed blue.

PRESENTATION OF CITIZENS AWARDS

Commissioner Sanchez then read into the record: "The honorable members of the Police Commission along with Police Chief Cornelius P. Murphy are honored to officially recognize the courageous actions of the following citizens who in many cases risked their lives in assisting others. Since these outstanding individuals have by their outstanding acts demonstrated a real concern for the need of others, we, who are present here tonight, wish to thank them for their valor in participating in these risk taking events." He then said to the audience that he would request they hold their applause until the Lieutenant finishes reading the reasons why the selected citizens are being presented these awards tonight.

THE AWARDS WERE AS FOLLOWS

Mr. Robert Wimmer

Mr. Rodney Gillead

Mr. Richard Gregory

Mr. Alex Barrvino

Mr. Samuel Bauman

Mr. Rene Tellez

Mr. Steven Wright

Mr. Thomas Farnham

Mr. Shawn Cox

Mr. Albert Ramirez

Mr. William Rodriquez

Mr. Dennis Porr;

PUBLIC DISCUSSION REGARDING A PROPOSED JUVENILE DIVERSION PROGRAM

Commissioner Nelder said that two weeks ago he had mentioned that he had discussed with people from the Coleman Foundation and members of this Department and some community leaders the feeling that a lot of people have that there should be a youth diversion program in this Department. He said when you stop to consider that despite the fact that the crime rate has been coming down and a great deal of credit can go the the

Chief and and this department for bringing it down. He said there isn't any question but that the jails of the Juvenile Hall are over crowded and consequently a great number of people and the Chief also felt that some steps should be taken to emphasize crime prevention which is different from crime repression. He said SAFE, the Escort Service and all of the programs that the Department has do a great job in the respression of crime. He said, however, he feels that a step in the right direction would be if they had a police diversion program which works with the youth. He said there has been one statement by a famous author that has been made and must be taken note of and that is: "All kids aren't criminals but all criminals were kids." He said he feels that they (The Police Administration) are in a position to do something about this. He then called Officer Peter Maloney to come forth and speak to the issue.

Officer Maloney then said the purpose of their being here tonight was to present to the Commission and Chief some ideas regarding the re-starting of a Police Diversion Juvenile Program. He said for his part he was speaking on behalf of the San Francisco Police Officers Association and that the Police Officers Association has supported the Police Diversion Juvenile Program. He then asked Captain Vic Macia to make some remarks as he had headed up the program when it was in operation some time ago. He said a Memo which he has delivered to the Commission explains the reason for the diversion. He said basically what they had done in the past they would like to do again and that is to try to keep as many of those first time offenders out of the Juvenile Justice System. He said the feeling that many who enter the system has nothing happening to them or nothing happening for them and consequently they return repeatedly until they are finally sent to a hardcore institution. He said the positive direction program was introduced a number of years ago utilizing both line officers and off duty personnel. He said to illustrate: "A young juvenile is picked up for shop lifting in the Mission District. The Officers who respond fill out what is known as a score sheet. This young person has never been arrested before and is a first time offender and he therefore qualifies. So rather than citing him to youth guidance center he is referred to the Screening Officer who in an off duty capacity works at that same station. The youth is taken home and the next day the Screening Officer contacts the parents and outlines the plan. What we hope to do in this instance is to get this young person plugged into a community based organization that will deal with this problem. In many instances we find out that the juvenile doesn't have the problem it may be that the problem lies with the family and therefore that community based organization can direct help toward family." He said the juvenile after six successful months with the program will not be stigmatized with a record. He said their statistics revealed years later that the juveniles involved in this program did not recidivite or recidivated at a lesser rate than those juveniles that had gone through the regular justice system up at Youth Guidance Center.

Other speakers on this issue were Ms. Margaret Brodkins, Executive Director of Coleman Advocates for Youth and Children, Mr. Ira Okun, Executive Director of the Family Services Agency, Ms. Libby Young, President of the Board of Supervisor's Delinquency Prevention Commission, Mr. Ron Sugiyama, Japanese Youth Council, Ms. Margaret DeJesus, The Mayor's in School Youth Program, Captain Paul Kotta of the SFPD's Juvenile Division. Thereafter Commissioner Nelder said he would

make a motion that this Department should take the lead in a Diversion Program such as has been outlined here and that the Chief appoint a knowledgeable Committee to work with the group that has been here this evening and see if the program can be initiated. He said he would recommend this committee consist of Captains Macia, and Captain Kotta to see if they can come back to the Commission with a program to launch this diversion program as soon as possible.

Commissioner Hsieh seconded and it was unanimously approved.

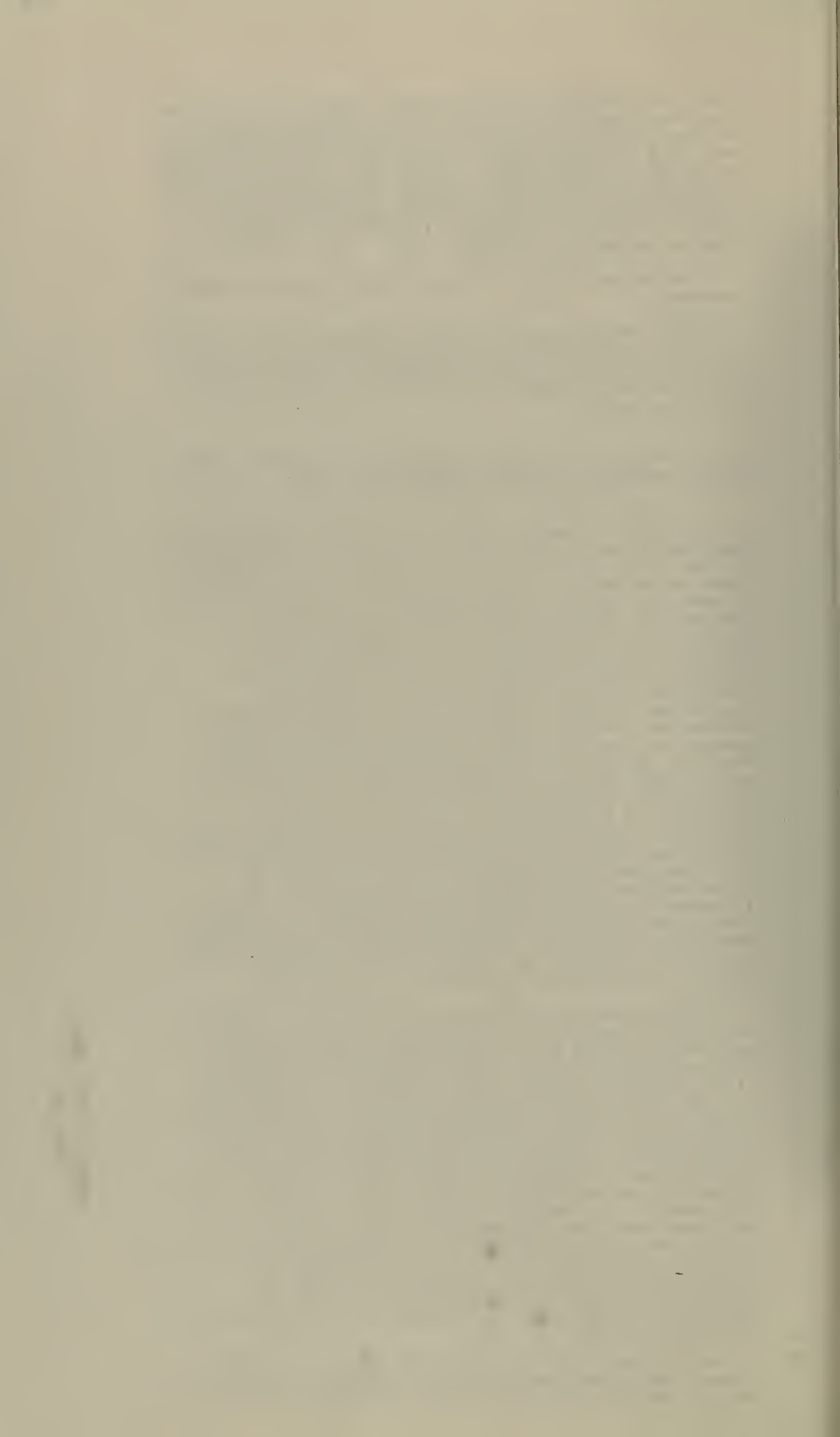
Chief Murphy said he would recommend that the third member of that Committee be Captain Willis Casey and that Captain Kotta be made Chairman, and he would hope that they can get something back to the Commission in about two weeks.

PUBLIC HEARING ON PROPOSED INVESTIGATIVE HEARING RULES OF THE OFFICE OF CITIZENS COMPLAINTS (OCC) -----

Mr. Frank Schober, Director of Office of Citizens Complaints (OCC) said it has been nearly a month since the Commission directed him to represent the Commission to the Officials of the San Francisco Police Officers Association and to other public interest organizations to meet and confer conferences on the proposed rules of the OCC for investigative hearings. He said in fairness to the hard work of his Staff he wanted to point out that they have been progressing with investigations eliminating backlog, refining and improving their procedures in both seeking and succeeding in their effort to fulfill their Charter Mandate of Investigating citizens complaints against members of the Department. He said they now have a back log of cases which number approximately one hundred and the OCC should move on them now and thus the need for an effective set of Hearing Rules. He continued by saying that he and his staff have completed over 57 hours negotiations with the officials of the San Francisco Police Officers Association and also many hours of discussion with a variety of organizations, individuals and groups that have an interest in the OCC investigative hearings. He said the document before the Commission tonight is somewhat amended from the one the Commissioners had before them last week. He said he feels it effectively sets the tone of what they are attempting to accomplish.

Officer Bob Barry President of the San Francisco Police Officers' Association (SFPOA) spoke on the issue and said it would be very gratifying to the Police Officers Association, to the Commission and the Public if he could say tonight that they have a consensus on the OCC Rules but that is not the case. He said he would state without equivocation that on General Frank Schober's part and on The Commission's part that they have failed to reach any settlements of good faith negotiation. He said two weeks ago they were at the height of the negotiation process and witnessed, one, the absence of a Police Commissioner. He said designees are fine in some cases but on a major public policy issue The Commission's presence was needed and it was sorely missed. He said the OCC proposals violate state law and the spirit and intent of Proposition A which created the OCC. He said the adoption of these rules will lead to the SFPOA seeking injunctive relief.

Mr. Schober said he would like to read into the record two letters he sent to the SFPOA one last Friday and one Monday and his record of telephone calls to



them. (Letters on file in the office of OCC.)

Mr. Dave Clisham, Attorney for SFPOA said he would like to comment and said there was no question that General Schober did send to the POA the mentioned letters, however, he said he wanted to make it perfectly clear that General Schober pointed out at least one week ago that they (SFPOA and OCC Staff) were at a blatant impasse on at least five issues. He said Mr. Schober indicated that no way Jose were they going to move from those positions. He said the first issue was the word "Investigative" he said that does not appear in the San Francisco City Charter. He said it is the POA's feeling that Mr. Schober is attempting to change what the voters wanted to have happen in that Charter. He said the Charter also does not say that it is in the sound discretion of the Director to schedule Hearings which is another issue. He said another major issue is the matter of discovery. He said they have asked for a mediator to come in and straighten out the differences and Mr. Schober adamantly and steadfastly refuses to allow this. He said they are totally opposed to the rules as they are now, and they are appalled at the state of affairs over the issues. He said they sincerely want to see a citizens complaints procedure which is fair to the citizenry of San Francisco and also to the Officers. He said he also wanted to mention a bulletin about this discovery issue which was put out by the San Francisco Police Department (SFPD) on December 7, 1978 which articulates the POA's position in these discussions, which as it states: "Any investigation of a citizens complaint is part of the officers' personnel file," and that he said is what they have been trying to tell Mr. Schober for the last 57 to 68 hours. He said this is the official position of the SFPD which will be changed tonight if the Commission adopts these rules as presented.

Commissioner David Sanchez said just as a point of clarification, The Commission a number of meetings ago did have a unanimous vote taken pertaining to the Director being the Official representative to meet and confer with the SFPOA. He said at that point also they re-instituted the concept of possibly having a committee of one from The Commission to sit down and represent The Commission at the Meet and Confer sessions. He said many of the Commissioners cleared their calendars in order to participate in the day time, evenings, and weekends and from this Commission's perspective a good faith effort on behalf of The Commission pertaining to the Meet and Confer discussion process was accomplished. He said there was substantial agreement on a number of the issues between the SFPOA, The Commission's Committee of one and the OCC Staff. He then asked other speakers to come forth and give their comments on this issue.

Mr. Peter Mezey, representing the Bar Association of San Francisco said they have been following and pushing for the adoption of the OCC since 1976. He said he felt it was important for The Commission to move forward as quickly as possible and adopt the rules as they currently are but the thing that the City Attorney and Mr. Schober has to resolve with all parties involved, legally, is that the Hearings are not judicial or quasi-judicial Hearings, that they are not disciplinary Hearings but that they are an extension of the fact finding process.

Mr. Amitai Schwartz, Attorney with the ACLU, said

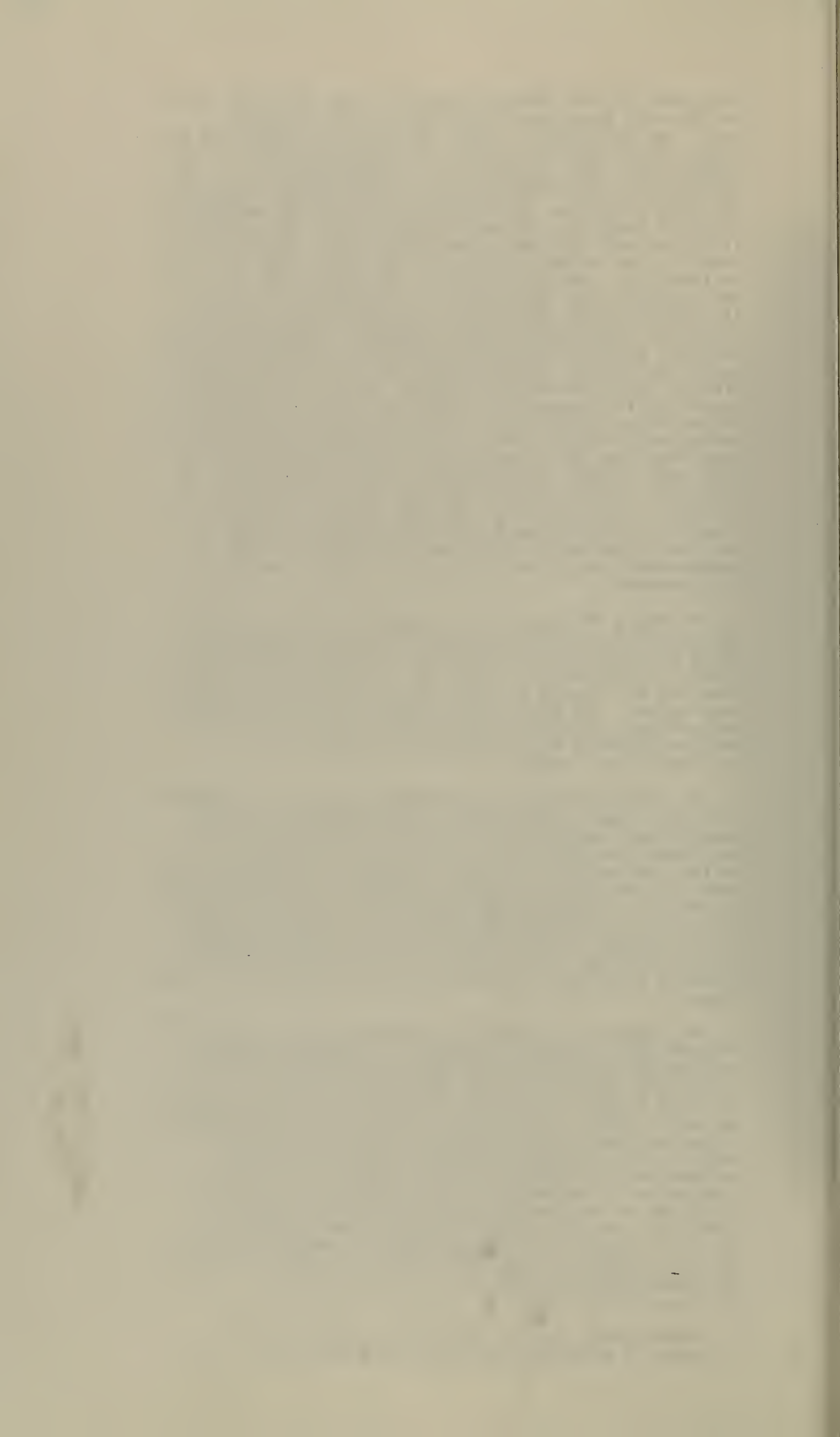
that most of the technical matters were discussed with Mr. Schober quite profitably in about an hour and a half. He said many of those things were worked out and rather than take the time of The Commission this evening they only really have one major issue. He said as they read the rules there are a couple of sections in there about the evidence that the Hearing Officer is going to receive. He said basically the way they read it is the only evidence that this Hearing Officer is going to get is going to be the evidence from the parties, i.e. the complaintant, the Police Officer and the witnesses who appear at the Hearing. He said he did not feel that this hearing was contemplated as being the final disciplinary hearing. He said he feels that his organization could live with this and they would like to get together with the POA as they would like to unite around that issue. He said so what he is specifically suggesting is that the section on Page 9 of the rules, Section 6, b-2 be stricken and that the rules would then be left with the sections which talk about the type of evidence that would be received. He said then on Page 11, section 6, e-1 would have to be made consistent with the previous section that was stricken. He said as to the rest of the document it is long, it is complicated, but they (ACLU) are glad to see that progress is being made and hope that The Commission accepts the changes Mr. Schober suggested this evening.

Mr. Dana Van Gorder from Supervisor Britt's Office then spoke on the subject and said that the Supervisor would like to certainly encourage The Commission to adopt these rules as quickly as possible realizing that they can be changed at any time in the future as the need arises. He said he has spoken to Mr. Schober and is confident with the exception of some of the changes that Mr. Schartz has mentioned that they are in reasonably good shape.

Mr. George Cohen, retired administrative law Judge with the state of California said everyone can talk about rules, procedures, but there comes a time when The Commission has to say this is it, we are not perfect, we haven't created a perfect document and the rules as they are now are not perfect, as, he said, he can see all kinds of problems with it as a lawyer. But, he said, as a Hearing Officer he could function under this document. He continued by saying these rules are not in concrete, they can be changed, and undoubtedly he would urge that perhaps now is the time, this is the place.

Mr. William J. Murphy, Attorney at Law, said he was shocked that his fellow attorney's would come before The Commissioners and tell them that the Rules the Commission are considering adopting tonight are filled with pot holes but then tell The Commission to go ahead and adopt them. He said his father use to say that any thing that has a bad beginning is going to have a bad ending. He then said, after pointing out in his opinion the deficiencies in the document, that The Commission is in no position to adopt them. He said there has to be some more negotiations between the SFPOA and the OCC. He said if The Commission wants a lot of litigation or it wants this document tied up for two years then go ahead and adopt it tonight, but if The Commission does adopt it The Commission will wind up in court and lose.

Commissioner Nelder thereafter asked the City Attorney if there had been anything said legally that



would preclude The Commission from adopting the rules.

Deputy City Attorney Mr. Buck Deventhal responded by saying that the City Attorney has advised The Commission and The Commission may legally adopt the OCC Hearing Rules as presented.

Commissioner Sanchez then said that the Public Hearing is now closed pertaining to the proposed OCC Hearing Rules.

The Commission then voted to re-open the Hearing to allow more testimony from Mr. Bob Barry and Mr. Amitai Schwartz.

Commissioner Thomas Hsieh said then to Dr. Sanchez, Chairman of the Commission that the Commission cannot go on another two years disregarding procedural matters on this issue. He said with all of the legal talent here tonight along with members of the Commission and no one is observing proper-parliamentary procedures. He said he would demand that this illegal continuation of the Hearing after designating it closed be called out of order.

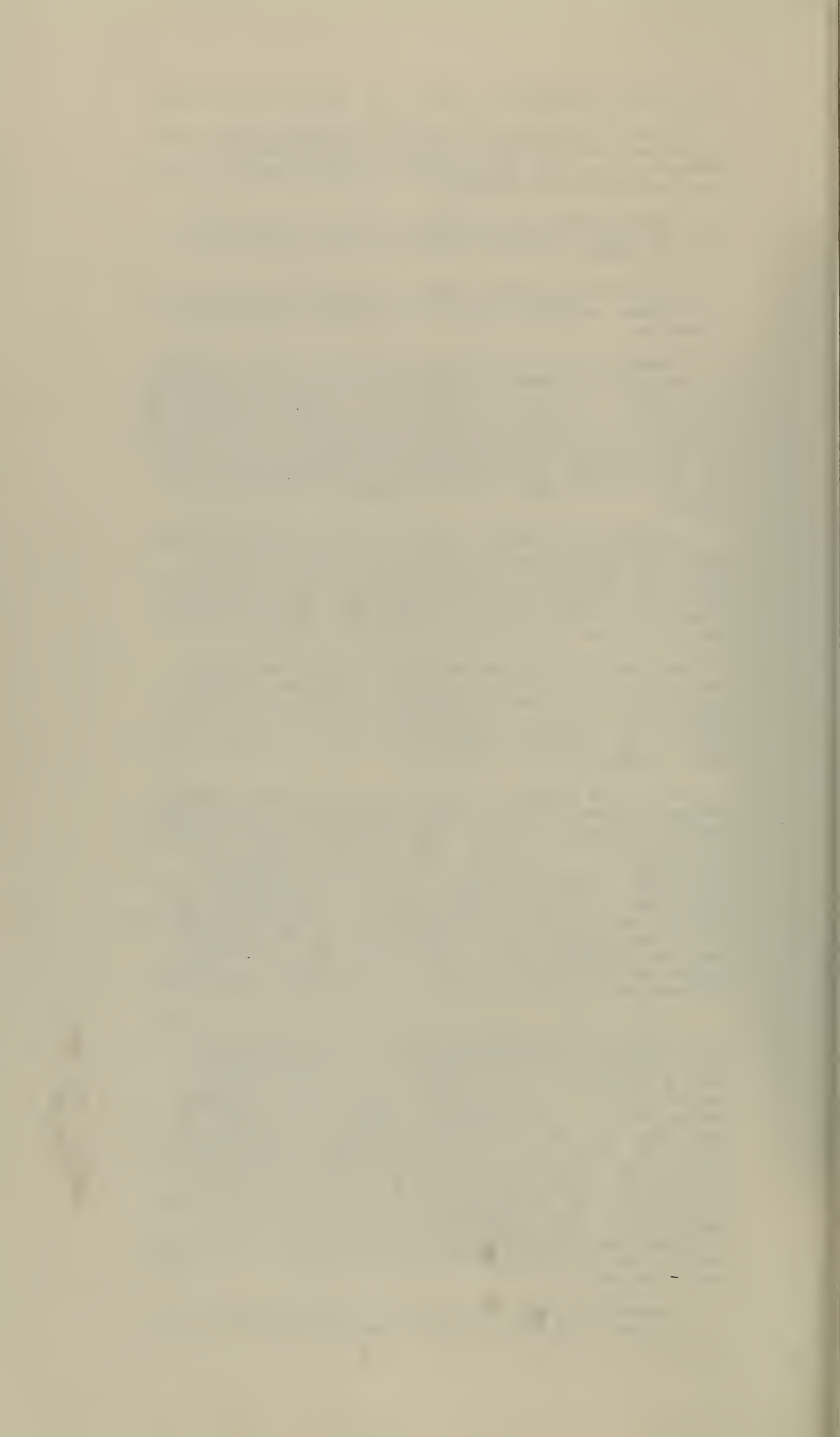
Commissioner Sanchez then said once again that the Public Discussion on this item is closed. Another motion by Commissioner Nelder was made to rescind the motion to close and then re-open the public hearing once again. This motion was seconded and approved by majority vote. Commissioner Hsieh dissented.

Mr. Mezey then came forth once again and said he wanted to emphasize Mr. Schwartz' point as to the importance of the Hearing Officer seeing the investigative file. He said he has sat as a Hearing Officer and a Hearing Officer has a very difficult time understanding what is going on.

Mr. David Clisham, attorney for the SFPOA said he wanted to make one short point the voters established a Hearing process, they say that hearings shall be held and they did not give the discretion to the Director to determine that. He said they also say from that procedure a complaint should either be sustained or not sustained. He said if The Commission says that the Hearing really is not that important and places that in the Rules, some citizen is going to sue The Commission because he will be able to say that that is not the intent of the Charter as they wanted hearings or an alternative procedure that binds the Police Department.

Chief Cornelius Murphy said that he has not been apart of these negotiations but he said, he has a Department to run and he cannot run this Department with a hundred cases backlogged at OCC waiting for hearings which in effect are creating other backlogs beyond the ones that General Schober inherited. He said what is clear here is that there is an impasse and it is not going to be resolved anywhere other than in court. He said what is at stake here and not just the nitpicking on the rules but the credibility of The Commission, OCC, The Department, The SFPOA, the ACLU and everyone else involved in this process and if nothing else it is screaming to get resolved and he would urge the Commission to adopt the rules as amended by Mr. Schwartz.

Commissioner Sanchez then said that finishes public discussion again pertaining to the proposed rules of the OCC.



Commissioner Daly then said she would move that the Rules of the OCC be adopted as amended by Mr. Amitai Schwartz. Commissioner Hsieh seconded and it was unanimously approved. (Rules are now on file in the Offices of The Police Commission and the OCC).

RESOLUTION NO. 397-85

ADOPTION OF REVISED INVESTIGATIVE HEARING RULES FOR THE OFFICE OF CITIZEN COMPLAINTS

WHEREAS, in November, 1982, the residents of the City and County of San Francisco passed Proposition A, amending the Charter of the City and County of San Francisco and mandating the creation of the Office of Citizen Complaints; and

WHEREAS, said Charter Amendment calls for the convening of investigative hearings to be called by the Director of the Office of Citizen Complaints whenever such will facilitate the fact-finding process and pursuant to rules adopted by this Commission; and

WHEREAS, this Commission adopted Rules governing the operation of the Office of Citizen Complaints including the conduct of Investigative Hearings on March 16, 1985; and

WHEREAS, this Commission has found it necessary and proper to revise these Investigative Hearing Rules so that they might be conformed with state law and otherwise clarified; and

WHEREAS, on December 10, 1984, the Director of the Office of Citizen Complaints directed questions dealing with those issues to the City Attorney's Office; and

WHEREAS, on February 1, 1985, City Attorney's Opinion 85-1 specifically dealing with those questions was issued; and

WHEREAS, on February 7, 1985, a set of proposed rules for the Investigative Hearing process was presented to The Police Commission for its consideration and made available to all other interested parties including the Police Officers' Association and Meet and Confer sessions were immediately set into motion; and

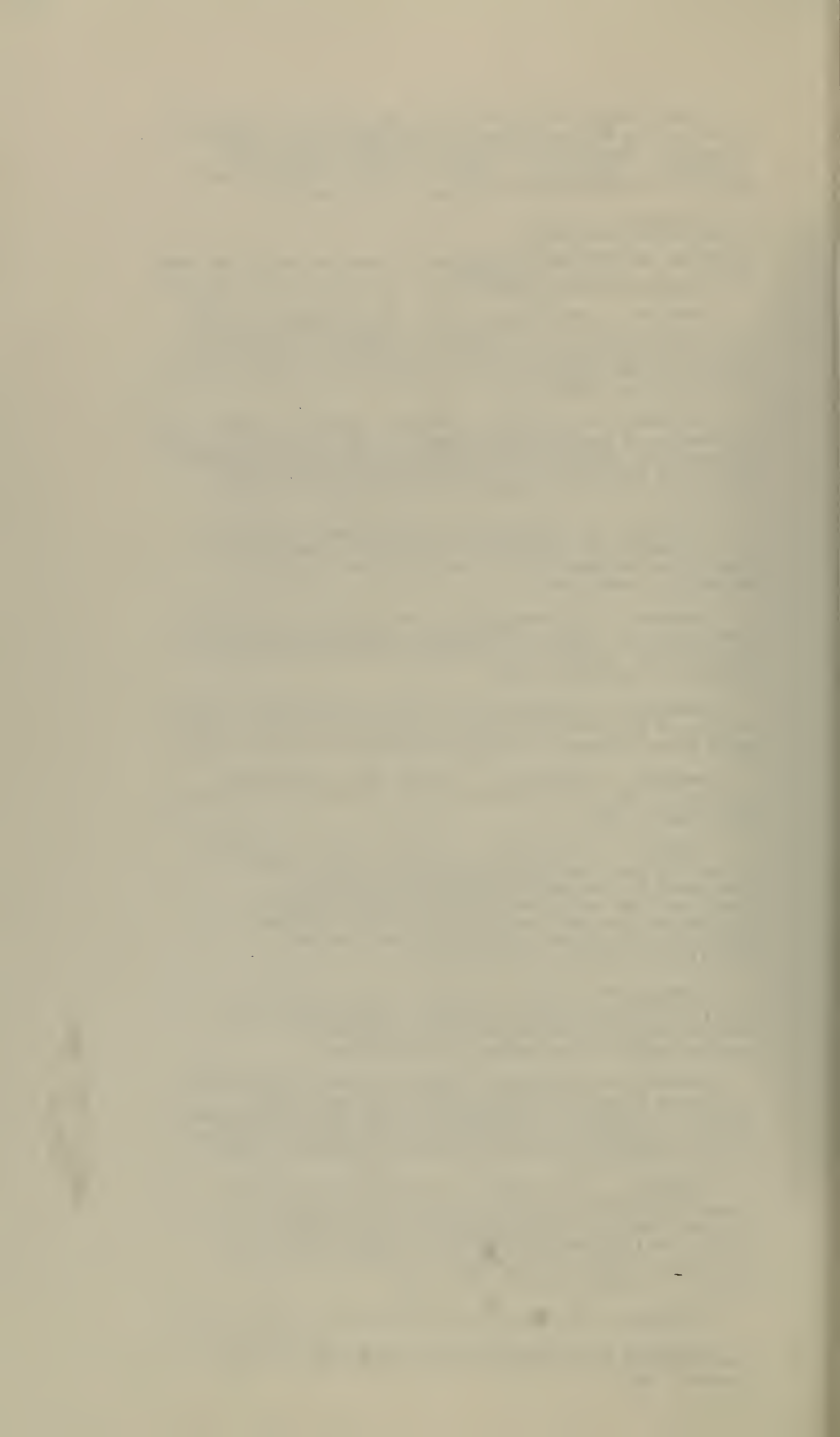
WHEREAS, The Police Commission has met and conferred in good faith on many occasions with the Police Officers' Association for a total of approximately fifty-seven (57) hours; and

WHEREAS, on Thursday, March 21, 1985, the Director presented a draft to this Commission containing numerous changes and amendments which were the direct result of these meet and confer sessions, and requested of this Commission that said Rules be adopted; and

WHEREAS, at the request of the American Civil Liberties Union, The San Francisco Bar Association, and the San Francisco Police Officers' Association, the public hearing on the adoption of these Rules was continued to Thursday, March 28, 1985, so that they might be studied even further; and

WHEREAS, this Commission granted this request; and

WHEREAS, the Director promised to meet with each of these groups for the purpose of discussing further changes; and



WHEREAS, the Director did, in fact, meet with each of these groups with the exception of The Police Officers' Association, which despite daily communications from the Director requesting a meeting, did not respond; and

WHEREAS, The Director has, in fact, recommended changes to this Commission resulting from those meetings; and

WHEREAS, it appears to The Commission, following lengthy public discussions during the Public Hearing on these Rules, that these Rules fairly and accurately represent major changes as submitted by all interested parties; therefore be it

RESOLVED, by The Police Commission of the City and County of San Francisco that said Investigative Hearing Rules and Procedures be and the same are hereby approved; and be it further

RESOLVED, that insofar as those Rules which were adopted by this Commission on March 16, 1983, are inconsistent with those just adopted, those prior Rules are modified.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 388-85

AMENDMENTS TO THE MUNICIPAL POLICE CODE SECTIONS 1276 AND 1279.1, REGARDING SECONDHAND DEALERS ORDINANCE - APPROVED

WHEREAS, Sechondhand Dealers are often the point of sale of stolen property; and

WHEREAS, the requirement of Section 1276 that a record of all merchandise sold or purchased be reported to the Police Department is not a desireable procedure or the current practice; and

WHEREAS, the state law regulating secondhand dealers requires that transaction in "tangible personal property" be reported; and

WHEREAS, the Chief of Police should be provided the authority to make reasonable rules and regulations necessary to halt the trafficking in stolen goods; therefore be it

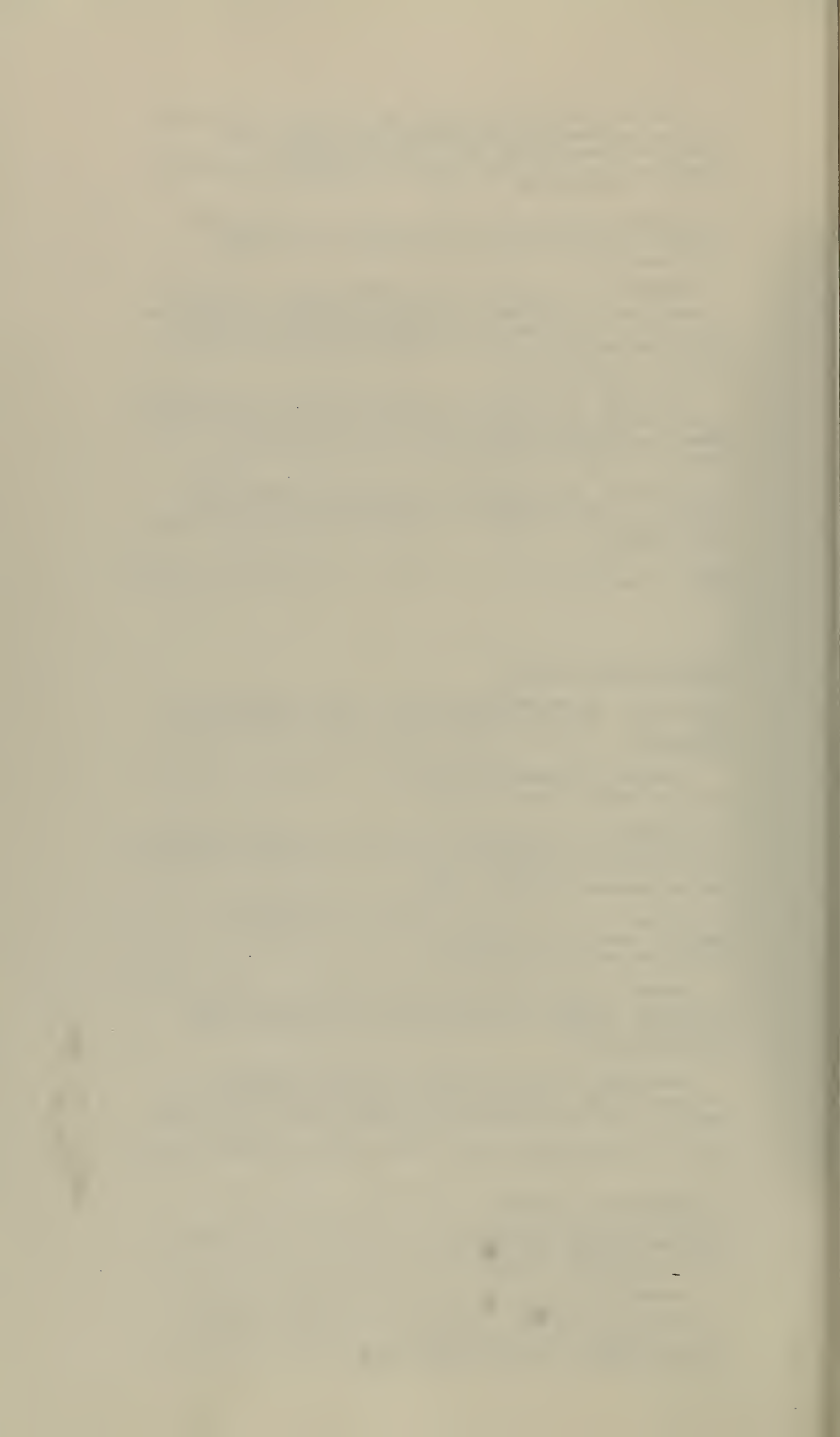
RESOLVED, that The Police Commission hereby recommends the adoption of the proposed amendments to Sections 1276 and 1279.1 of the Municipal Police Code.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 389-85

SETTING OF DATE FOR HEARING OF POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, the setting of a date for the hearing on charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Officer Denis P. Joyce, Northern Station, was called it having been set for this date; and



WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, on behalf of Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that this date for the hearing before the Police Commission be set for April 11, 1985; therefore be it

RESOLVED, that the hearing on charges filed against Officer Denis P. Joyce, Northern Station, is set for Thursday, April 11, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 391-85

HEARING OF POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION/DOG UNIT

WHEREAS, the setting of a date for the hearing of the disciplinary charges filed against Officer Anthony J. Carreon, Tactical Division/Dog Unit, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for May 23, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Anthony J. Carreon, Tactical Division/Dog Unit, is set for Thursday, May 23, 1985 at 1730 hours in Room 551, Hall of Justice.

RESOLUTION NO. 398-85

HEARING OF SERGEANT GREGORY G. CLONEY, INGLESIDE STATION

WHEREAS, at the meeting on March 21, 1985, The Police Commission noted the hearing on the disciplinary charges filed against Sergeant Gregory G. Cloney, Ingleside Station, was set for Thursday, April 4, 1985, and since the meeting of April 4, 1985. Thereafter, at the meeting on March 28, 1985, the date was confirmed; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Sergeant Gregory G. Cloney, Ingleside Station, is set for Thursday, May 2, 1985 at 1730 hours in Room 551, Hall of Justice.

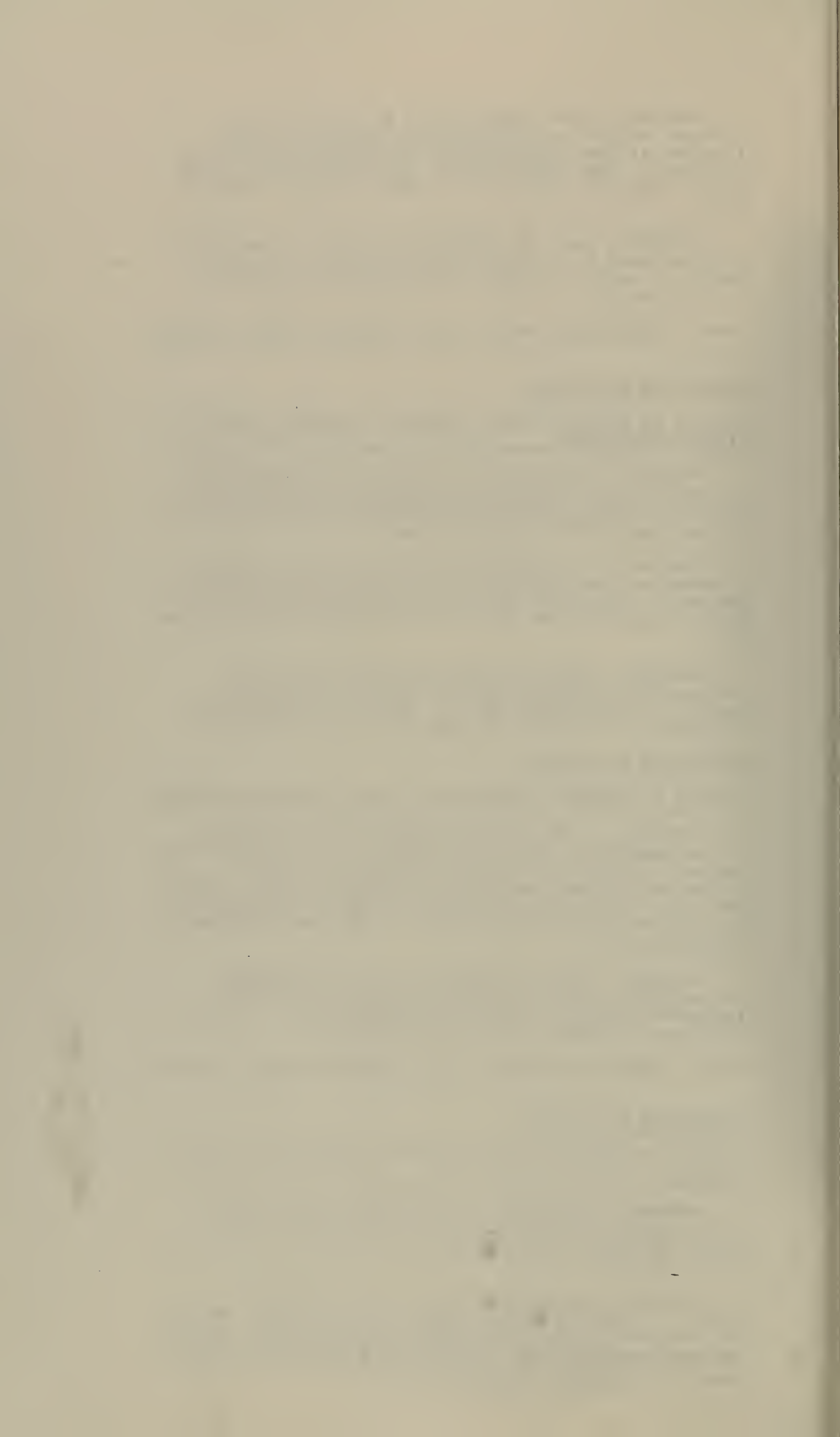
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 390-85

HEARING OF RECRUIT POLICE OFFICER RICHARD WOO, POLICE ACADEMY

WHEREAS, the hearing on the disciplinary charges filed against Recruit Police Officer Richard Woo, Police Academy, was called it having been set for this date; and

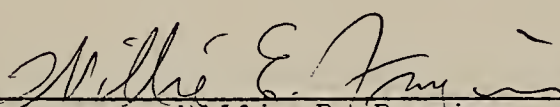
WHEREAS, on motion by Commissioner Alfred J. Nelder, The Police Commission ordered that this matter be held over to April 11, 1985, pending further review and recommendation by the Chief of Police as to whether this Officer should be considered to participate in Phase III Training; therefore be it



RESOLVED, that the motion to hold this matter over to Thursday, April 11, 1985 at 1730 hours in Room 551, Hall of Justice, pending further review and recommendation of the Chief of Police be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

THE MEETING WAS THEREFORE ADJOURNED AT 9:23 P.M.

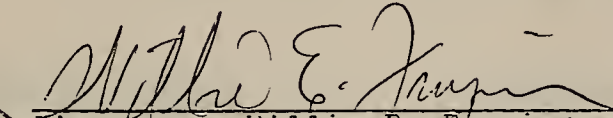

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

15
185
called

04 APRIL 1985

REGULAR MEETING

The Police Commission Meeting of April 4, 1985 was cancelled.



 Lieutenant Willie E. Frazier
 Secretary
 THE POLICE COMMISSION

DOCUMENTS DEPT.

FEB 10 1986

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*Minutes*APRIL 11, 1985CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, April 11, 1985 at 1700 hours in a Closed Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

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APRIL 11, 1985REGULAR MEETINGSAN FRANCISCO
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The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, April 11, 1985 at 1730 hours in a Regular Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

APPROVAL OF MINUTES OF THE MEETING OF MARCH 14, 1985

Approval of minutes of the meeting of March 14, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco.

RESOLUTION NO. 431-85MARTIN J. BRESLOFF

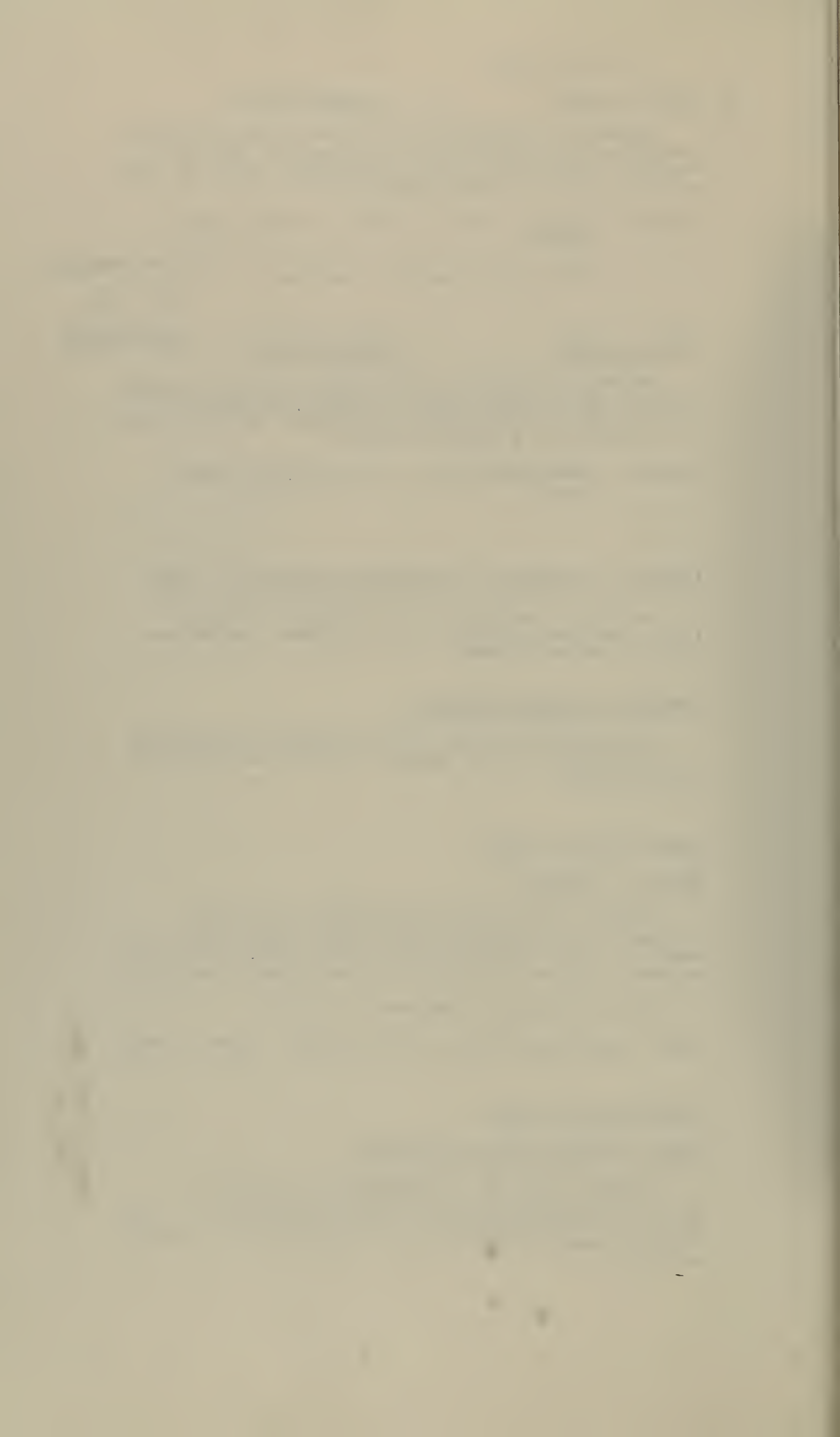
RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martin J. Bresloff in the sum of \$175.00 as the result of loss of personal property, be, and the same is hereby approved.

Date of Incident: September 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 432-85GEORGE MOSTANICK AND ANN STELLING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Mostanick and Ann Stelling in the sum of \$124.21 as the result of damages sustained, be, and the same is hereby approved.



RESOLUTION NO. 433-85MITCHELL J. YOUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mitchell J. Young in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 434-85GERDA D. LEVY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerda D. Levy in the sum \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 435-85ALAN HUBBARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Hubbard in the sum of \$76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March-7, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 436-85BONNIE LATEINER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bonnie Lateiner in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1985

AYES: Commissioners Daly, Toler, Hsieh, Toler, Sanchez

RESOLUTION NO. 437-85MARK T. HENDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark T. Henderson in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 28, 1985

AYES: Commissioners Daly, Toler, Hsieh, Toler, Sanchez

RESOLUTION NO. 438-85MUHANED M. HASHIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Muhaned M. Hashim in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 11, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 439-85HERMAN ESCAJADILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herman Escajadillo in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 4, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 440-85MELANIE A. COTTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie A. Cottle in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 441-85JOANNE CEBALLOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne Ceballos in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1985

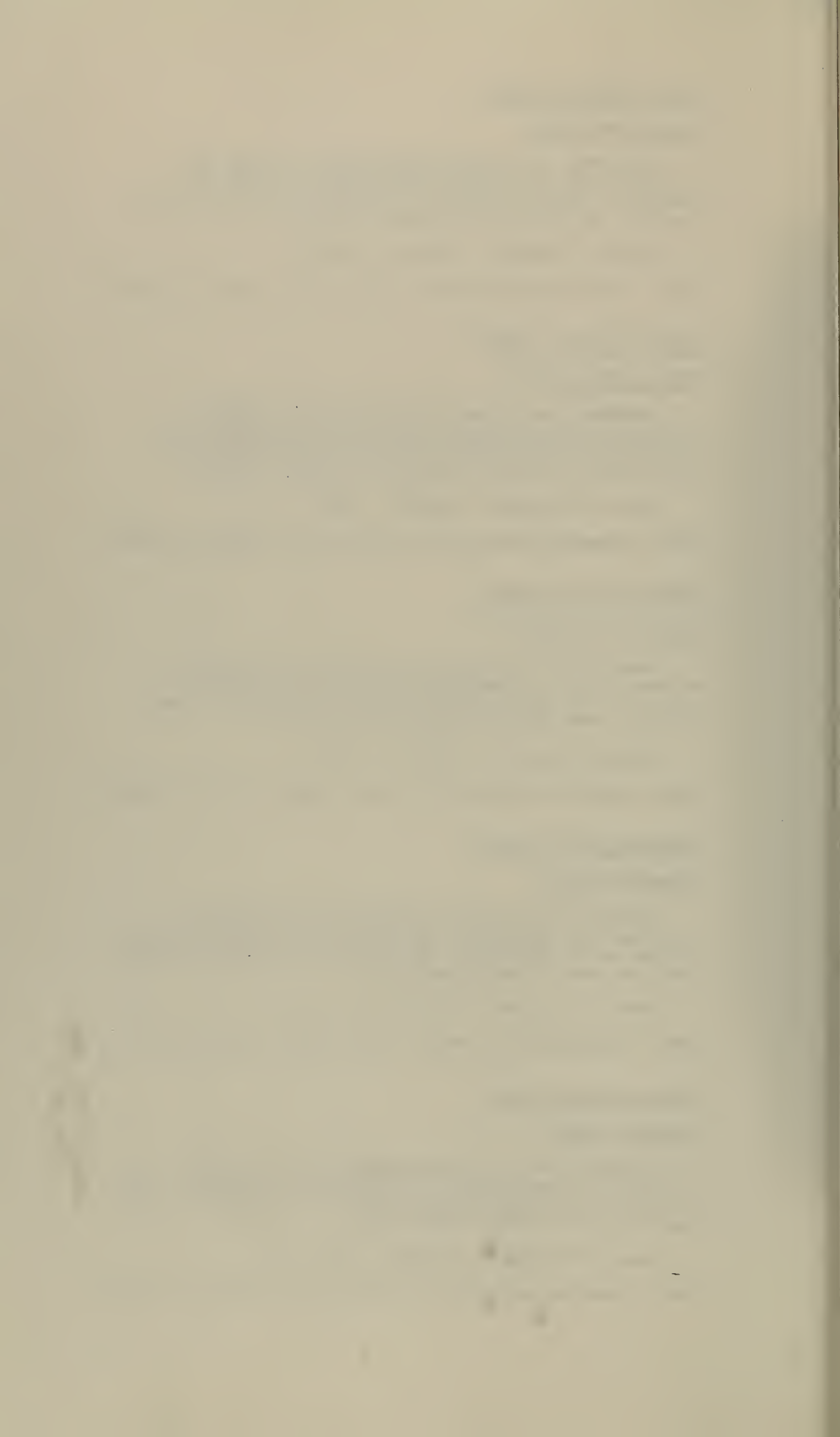
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 442-85SHARON A BRADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon A. Brady in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 21, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 443-85BIN HUA S. ONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bin Hua S. Ong in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 13, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 444-85ANNA TORRES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna Torres in the sum of \$25.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 15, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 445-85KATIE WEBER-KARP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Katie Weber-Karp in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 446-85KAM HOI WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kam Hoi Wong in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 447-85MOIRA MALLISON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Moira Mallison in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 448-85ABC TOWING (STYMAN)

RESOLVED, that the City Attorney for settlement of the claim of ABC Towing (Styman) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 449-85ABC TOWING (ROSS)

RESOLVED, that the City Attorney for settlement of the claim of ABC Towing (Ross) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1985

AYES: Commissioners Daly, Hsieh, Nelder, Toler, Sanchez

RESOLUTION NO. 450-85ABC TOWING (MITCHELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Mitchell) in the sum of \$63.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1985

AYES: Commissioners Daly, Toler, Hsieh, Toler, Sanchez

RESOLUTION NO. 451-85ABC TOWING (FIELDS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Fields) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 452-85ABC TOWING (ALFARO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Alfaro) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 14, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 453-85ABC TOWING (BARTHOLOMEW)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Bartholomew) in the sum of \$87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Febraury 25, 1985

AYES: Commissioners Dalv, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 454-85WILLIAM VOLLMAYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Vollmayer in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1985

AYES: Commissioners Dalv, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 455-85VALERIE J. VALDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie J. Valdez in the sum of \$34.50 as the result of storage charges, be, and the same is hereby approved.

Date of Incident: January 31, 1985

AYES: Commissioners Dalv, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 456-85SANDRA SEDGWICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Sedgwick in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident:

AYES: Commissioners Dalv, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 457-85EVELYN REICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evelyn Reich in the sum of \$64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 12, 1985

AYES: Commissioners Dalv, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 458-85VESTER GRANT REDUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vester Grant Redus in the sum of \$64.75 as the result of a faulty tow, be and the same is hereby approved.

Date of Incident: March 6, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 459-85JOHNNY CALLAWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johnny Callaway in the sum of \$56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 6, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 460-85BENNIE COSTELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bennie Costello in the sum of \$99.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 461-85JEANINE M. DUBOIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanine M. Dubois in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 16, 1985

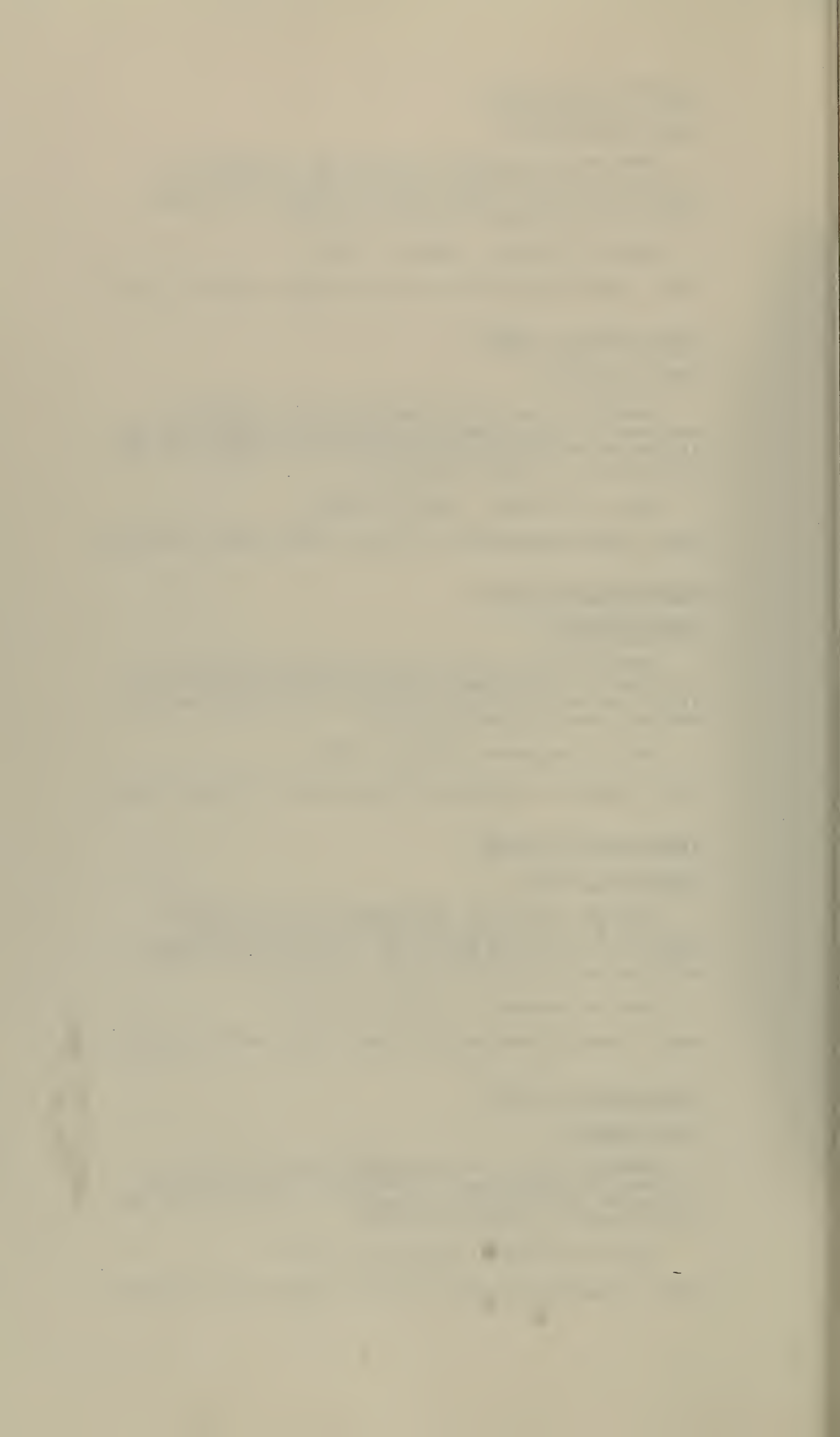
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 462-85CLINT DESHAZO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clint Deshazo in the sum of \$43.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 13, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 463-85SUSAN D. PUCKETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan D. Puckett in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 464-85PETER GRENELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Grenell in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 465-85GEM LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gem Lee in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 11, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

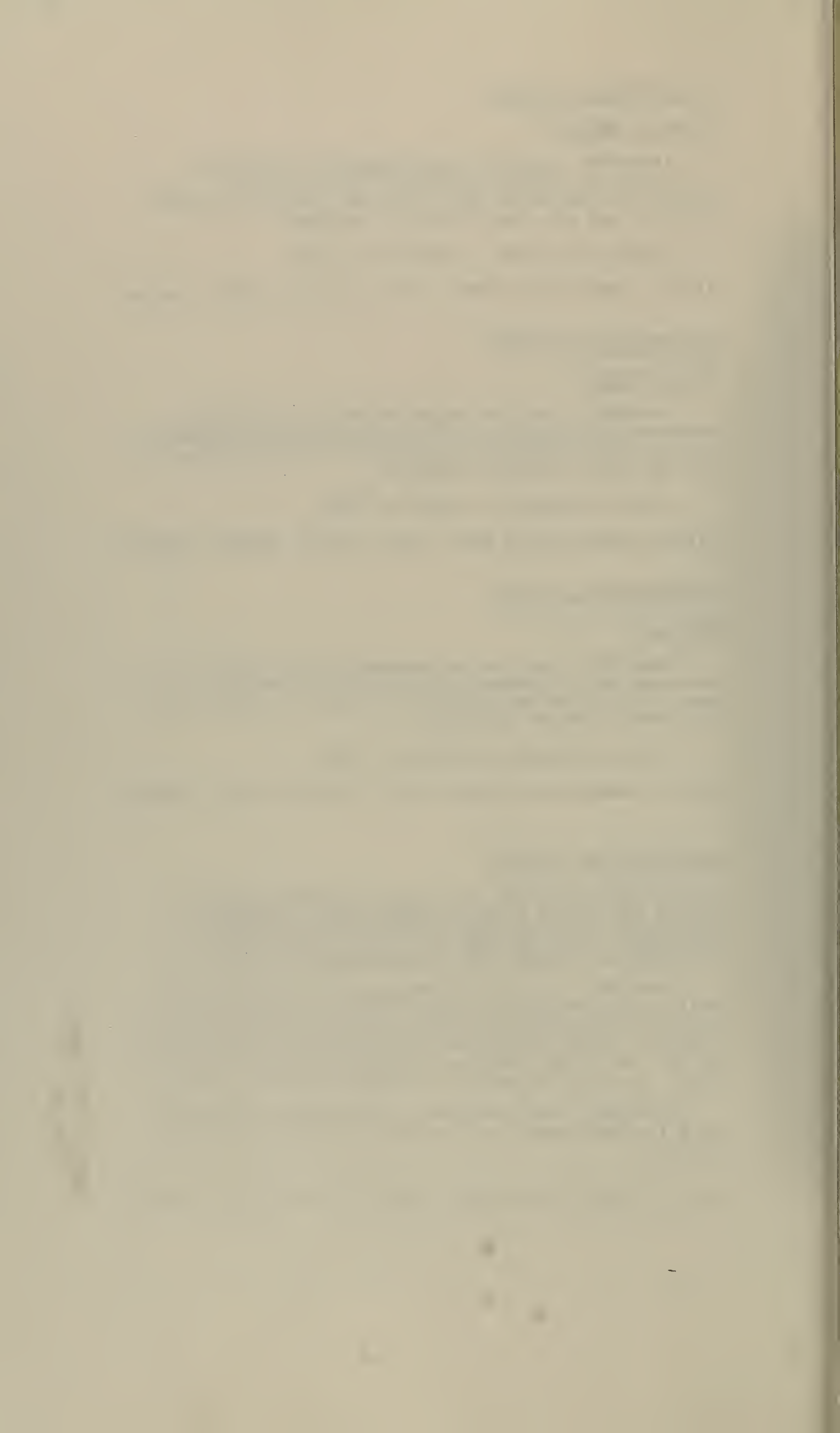
RESOLUTION NO. 471-85

RECOMMENDATION OF THE CHIEF THAT INSPECTORS DONNIE HANSEN AND ARMAND GORDON, GENERAL WORKS SECTION, BE AUTHORIZED TO ATTEND THE COMPUTER CRIMES COURSE IN SACRAMENTO, CA FROM APRIL 22 TO APRIL 26, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Donnie Hansen and Armand Gordon, General Works Section, be authorized to attend the Computer Course, conducted by the California Department of Justice in Sacramento, California from April 22 to April 26, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$349.65 each for subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



RESOLUTION NO. 472-85

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY SERGEANTS ROBERT JONES AND JOHN CARLIN FOR EXPENSES INCURRED IN ATTENDING SPECIALIZED SURVEILLANCE EQUIPMENT COURSE IN SACRAMENTO, CA ON MARCH 21, 1985.

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Sergeant Robert Jones	(Specialized Surveillance
Sergeant John Carlin	Equipment Course
	Sacramento, California
	3/4/85 - 3/8/85
	\$349.65 each)

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 473-85

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY LIEUTENANT THOMAS SUTTMEIER AND OFFICER DAVID HERMAN FOR EXPENSES INCURRED IN ATTENDING INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE PLANNING, DESIGN & CONSTRUCTION OF POLICE FACILITIES TRAINING PROGRAM AT SAN DIEGO, CA ON NOVEMBER 28, 1984.

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program, be, and the same are hereby approved.

Lieutenant Thomas Suttmeier	(International Association
Officer David Herman	of Chiefs of Police
	Planning Design and
	Construction
	10/8/84 - 10/12/84
	\$565.00 each
	\$300.00 refund to the
	Department)

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 474-85

APPROVAL OF TRAVELING EXPENSE VOUCHER SUBMITTED BY OFFICER ANNA BROWN FOR EXPENSES INCURRED IN ATTENDING BACKGROUND INVESTIGATION COURSE IN SANTA ROSA, CA ON MARCH 21, 1985.

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Anna Brown	(Background Investigation Course
	Santa Rosa, California
	3/4/85 - 3/7/85
	(\$266.81

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 427-85NATALIA AND GEORGE KRISHPINOVICH vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgement made for settlement of litigation of Natalia and George Krishpinovich in the sum of \$1,187.35 in Municipal Court No. 872-132 entitled "Natalia and George Krishpinovich vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 25, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 428-85DENNIS GEHRINGER AND TIMOTHY R. MORGAN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Dennis Gehringer and Timothy R. Morgan in the sum of \$12,500.00 in Superior Court No. 800-247 entitled "Dennis Michael Gehringer and Timothy Ray Morgan vs. Gregory Corrales and the City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 27, 1982

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 429-85STEPHEN LAWRENCE AND EFFIE PAPPAS vs. CITY AND COUNTY OF SAN FRANCISCO et al

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Stephen Lawrence and Effie Pappas in the sum of \$12,500.00 in Superior Court No. 818-586 entitled "Stephen Lawrence and Effie Pappas vs. City and County of San Francisco, Officer Edward Waldorph, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 17, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 430-85RONALD JOACHIM vs CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made for settlement of litigation of Ronald Joachim in the sum of \$2,475.00 in Superior Court No. 803-126 entitled "Ronald Joachim vs. City and County of San Francisco, et al" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 25, 1982

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 475-85

RECOMMENDATION OF THE CHIEF THAT LT. DONALD CARLSON, TRAINING SECTION, BE AUTHORIZED TO ATTEND THE BASIC ACADEMY DIRECTORS' WORKSHOP IN POMONA, CA FROM APRIL 22 TO APRIL 26, 1985

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Donald Carlson, Training Section, be authorized to attend the Basic Academy Directors' Workshop, conducted by Golden West College/Kellogg West in Pomona, California from April 22 to April 26, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$471.25 for subsistence and travel will be reimbursed by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

Commissioner David Sanchez said The Police Commission met in closed session this date pertaining to Attorney Client matters and no vote was taken. He then asked Mr. Frank Schober, Director of The Office Of Citizens Complaints (OCC) to share with The Commission his items regarding the quest of the OCC for the past two weeks.

Mr. Schober said he had several items he wanted to report this evening and the first one would be on the OCC's Investigative Hearings. He said the OCC rules or hearing are now in the process of being sued by the San Francisco Police Officers' Association (SFPOA) and a court hearing has been set for the 25th of April in front of Judge Roy Wonder. He then read the various items the SFPOA would argue for in their appearance in court. He said they are now in the process of setting up the Investigative Hearing System on the assumption that the OCC's point of view will be sustained by the courts. He continued by saying they now have 8 of 20 Hearing Officers on the OCC's Roster. He said they are a distinguished group, in that 6 of the 8 are retired or very active Judges with extensive experience in Administrative Law and Arbitration. He said on another subject, he was happy to report that during the demonstrations against the visit of the honorable Caspar Weinberger on the 4th of April at the St. Francis, the OCC had three of its staff out on the street, some with the demonstrators and some with The Police Department and some in a zone in between. He said it seems that parties from both sides were happy to see them there. He said the Staff reported to him that the actions of the Department revealed a very sound organization and control that were a reflection of an enhanced training level on the part of the Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said the only thing he wanted to bring to the attention of the The Commission is that in the most recent issue of the Newsweek Magazine it portrayed the San Francisco Police Department as Keystone Cops. He said he wanted The Commission to know that he sent a letter to the Editor in Chief indicating his dissatisfaction with the reporter of the article. He said he would forward a copy of the letter he has written to the Editor in Chief of the magazine to The Commission tommorrow.

POLICE ACADEMY REPORT REGARDING TRAINING ARRANGEMENTS WITH UNIFIED SCHOOL DISTRICT

Deputy Chief Richard Trueb said the report he is prepared to make is extremely brief. He said first of all the arrangements The Department has with the School District are pursuant to a lease and a rental agreement. He said at the time the lease was granted it was for 10 years and is now in its almost 6th year. He said the Portola school site was given to the Department as an addition to the lease as long as the school district was not using it or transferring it elsewhere and the Department was allowed to do adjunctive type training there seperate from the Academy site which is one or so miles away. He said the only other arrangement with the school district for training or otherwise is the use of AP Giannini Jr. High School for Police Academy Graduations.

Commissioner Nelder said that that may be the official set up but what he wanted to know was what happened at the ER Taylor School.

Deputy Chief Trueb said the Training exercises the Department conducts on a regular basis at the Portola School site consist of emergency vehicle operations training, felony stops, simulations as to hostage and building searches all of which have been conducted in on going training sessions in excess of 5 years. He said the training that resulted in the ER Taylor incident was during Specialist Team Training. He said the Training was set up for incidents where a hostage is taken or a criminal is barracaded in a building and the sniper teams are part of the Specialist Teams who in the regular course of their employment are radio car personnel throughout the City and are only assembled when they are called for one of those special situations that were used. So they are in an on going training mode which is only relevant to them. He said this is the training that was going on and is supervised by some 7 supervisors from the specialist team and one Sergeant is responsible as a coordinator from the Police Academy. He said the incident which occurred here was a situation or scenario which they set up to simulate a hostage situation where a robbery had occurred. Some hostages were taken and they were with the robbers in the building. He said the basic function of the specialist is to isolate the area so that no innocent bystanders will get into harms way. He said the Officers in question were two of a group of some 1100 officers trained in the last 5 years and part of the group that were training as new candidates for the program.

He said the two officers were a given perimeter area to contain and they were the officers who were later involved in the incidents at the school. He said when they were given their original instructions they were told to remain on site. He said the problem occurred where they misunderstood the word on site and they assumed it meant in sight. He said the ER Taylor school is immediately across the street from the Portola School and the officers decided it was better to move across the street and take a position there. He said so they went to the ER Taylor school with their weapons totally unloaded and into the Principal's Office and indicated they were having a practice drill across the street which made the area of their responsibility very visible to them and afforded them an advantage for containment without being visible to the people in the building. He said the Principal acceded to their request and asked them to follow her. The Principal went down the hall and into the classroom while the officers waited in the Hall. The Principal asked the teacher to move the class to the library and she assisted the teacher to make the move. She then allowed the officers to go into the vacated classroom where they remained in the position going through the exercise until the exercise was terminated some 20 minutes later. He said the Officers then went to the Principal's Office thanked her for the use of the room and left the school premises. He said during the de-briefing of the exercise the Supervisors learned that this had occurred and the results were that procedures are now changed to tighten training measures so that this would not re-occur.

Commissioner Nelder disagreed with the methods used and so stated to Deputy Chief Trueb saying that there should never be a repetition of a criticism where training is put into effect. He said be it a convalescent home, hospital or school as these types of institutions should be carefully studied on off hours and every conceivable fact should be known and put into effect for if and when anything may go awry it would be necessary to move and do something from a standpoint of law enforcement. He said his remarks about this training are geared to not saying it to upset those people involved and, he said, he understood in this particular case that everybody conducted themselves properly, so he was not being critical but merely looking to the future. He said maybe the Deputy should submit Department Training Exercises to The Commission, as he felt sure that he submits their training exercises to the Chief, so that The Commission could review them and pass on some comments that might be useful also.

Commissioner Hsieh said the newspapers distorted the facts on this particular incident and it appears that The Commission and Department is reacting to every piece of news that is written. He said he felt that The Commission should be advised or informed on some of the events undertaken by the Department before hand instead of learning about them after the news media has had the first shot and The Police Commission only learning about them after the fact.

Commissioner Toler said he felt that enough has been said regarding this incident, however, he said he felt that Commissioner Nelder at the very outset outlined his concerns as well as the other Commissioners and he (Commissioner Toler) was glad to see that the Department has already taken corrective measures to prevent any re-occurrences.

Commissioner Nelder said he would make a motion for the Department to carry out a Roll Call in-Service Training Program which will last no more than 10 or 15 minutes at each Roll Call be it the Bureau of Inspectors, the Vice Detail, District Stations or wherever. He said it is The Commission's considered opinion that this should be researched by the Planning and Research Division and submitted to Deputy Chief Trueb for periodic review by the entire Department from the standpoint of those matters that get the Department into difficult situations. He said number 1 is courtesy. He said first of all you start out as a gentleperson regardless of whether you are a Police Officer or not. He said you then move on to the intricacies or the mechanics of police work. He said for 10 or 15 minutes before each watch is released to duty these things should be gone over. He said this should be done as there are so many books and so many things to remember that the only way to remember some of this is by constantly reviewing. He said he would guarantee that if this is insituted that within 6 months there will be a tremendous improvement.

Commissioner Daly seconded and it was unanimously approved.

RESOLUTION NO. 468-85

REQUEST OF MR. HARRY BODE TO SUSPEND OPERATION OF HIS
JITNEY BUS PERMIT FROM MARCH 15, 1985 TO JUNE 13, 1985
- APPROVED

WHEREAS, Mr. Harry Bode has requested that permission be granted to suspend operation of his motor vehicle for hire permit from March 15, 1985 to June 13, 1985; and

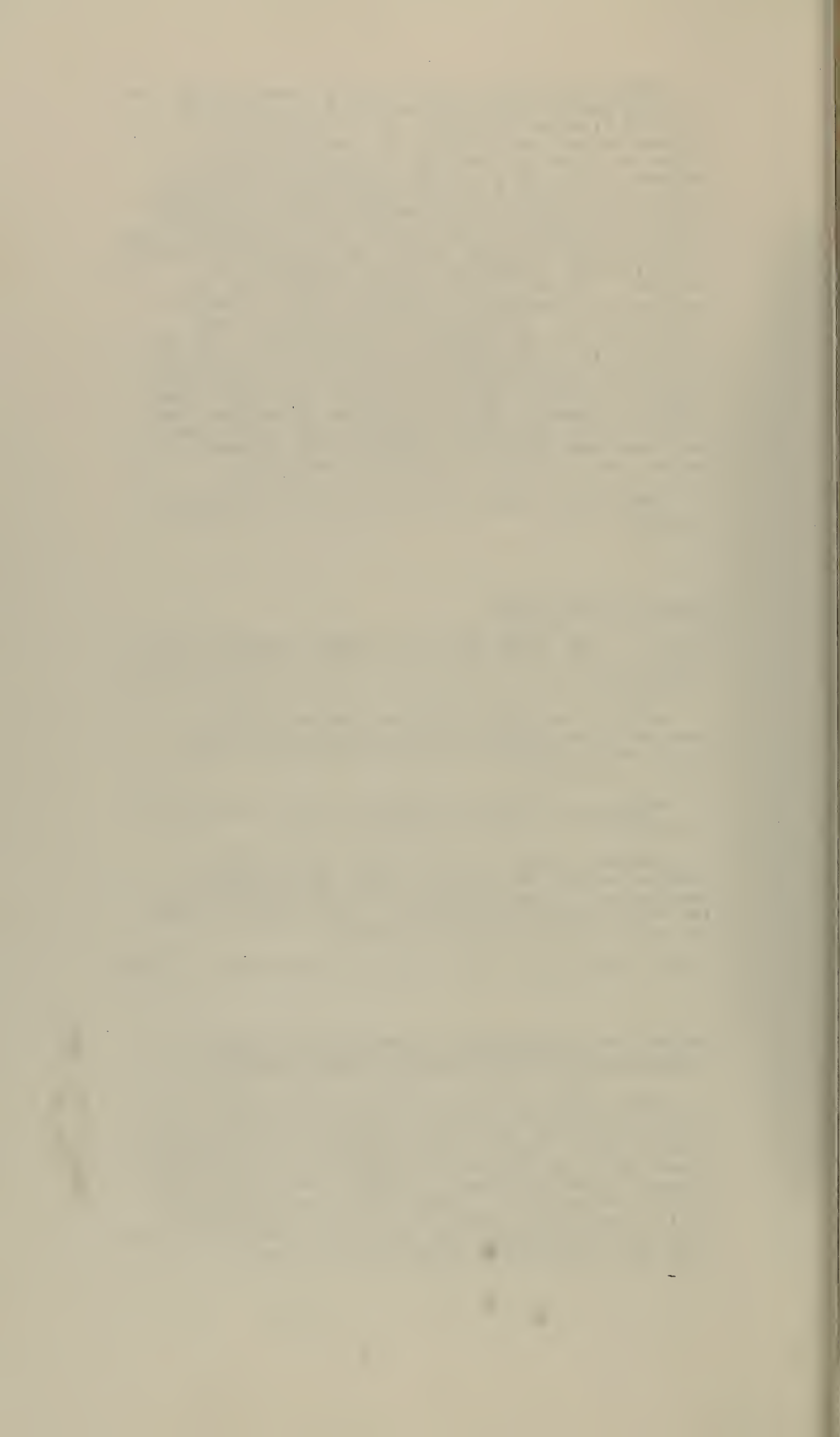
WHEREAS, Mr. Bode did appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of The Police Commission that the request of Mr. Harry Bode for permission to suspend operation of his motor vehicle for hire permit from March 15, 1985 to June 13, 1985, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO
\$956,000 TO PURCHASE THE DIAMOND HEIGHTS SCHOOL.

Deputy Chief Trueb in addressing The Commission on this item said that this is a step to initiate a process which the Department has been advised is some 90 days long. He said the Department is not totally committed to purchasing the property but they have been advised by the Department of Public Works and by the Mayor's Office that if they plan to contend for the Capital Improvement Money for the new site then the Department had better start the process now and that is what this supplemental appropriation is for.



Commissioner Hsieh said after reading the geological reports of the school site The Commission may have a problem by requesting this supplemental. He said he feels that there may be some additional information that will make this request either too high or too low. He said judging from the report he does not see as to how The Commission could support a site that is questionable for safety.

Commissioner Toler then asked the Deputy if The Commission was obligating itself by approving this request.

Deputy Chief Trueb said the Supplemental process involves a lot of Departments in the City and takes approximately 9 months. He said all they were asking of The Commission tonight is to give the Department permission to make a request. He said also a soil study request report was made and conducted within the last 5 months and unfortunately he did not have it with him but it was done through the City's Bureau of Architecture. He said if the Department does not start the process and some three months down the road then decide to start it, it may be too late for the funding.

Commissioner Sanchez said the request reads to purchase the School and The Commission needs a better understanding of the importance and the findings of the soil study to ensure that there is a high degree of probability that this may be a rational decision on behalf of The Commission and the Department pertaining to use of public funds to re-build another facility on that site.

Commissioner Nelder said that based on the issues raised tonight he would move that it be continued for 1 week for further discussion.

Commissioner Daly seconded.

Chief Murphy then said the urgency is that the money is there and the longer it is left sitting there the more opportunity there is for some other City Agency to get their fingers into that money. He said for instance the City is talking about spending 25 to 30 million dollars on Candlestick Park and that money has to come from somewhere. He said as long as that money sits there it is in jeopardy. He said he would ask The Commission to approve the request tonight as the process can be stopped at any time.

Commissioner Nelder said that in that case he would withdraw his motion provided The Commission is kept up to date so that The Commission can take the proper steps in case it becomes necessary to do so.

Commissioner Sanchez said he would suggest an amendment to the motion and the request should read "Request for a Supplemental Appropriation amounting to \$956,000 to purchase a permanent facility such as Diamond Heights School, etc., upon complete review and then brought back before The Commission."

Commissioner Nelder then said he felt The Commission could move for approval as requested because if anything goes wrong The Commission will withdraw it anyway.

Commissioner Hsieh said he would second that motion as amended. It was then unanimously approved.

RESOLUTION NO. 426-85REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$956,000 TO PURCHASE THE DIAMOND HEIGHTS SCHOOL

RESOLVED, that The Police Commission hereby approves a supplemental appropriation request amounting to \$956,000. This request will fund the purchase of the Diamond Heights School site, including property, structures, and improvements. The Diamond Heights School site will be used by the San Francisco Police Department for its Police Academy.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 469-85

AMENDING PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY REPEALING SECTIONS 1243-1266 INCLUSIVE, REQUIRING AUCTIONEERS TO HAVE A CITY PERMIT AND LICENSE, AND AMENDING SECTIONS 2.26, 2.27 and 2.28 REPEALING AND ESTABLISHING VARIOUS FEES, AND AMENDING MUNICIPAL CODE PART III, SECTION 22 REPEALING THE REQUIREMENT THAT NOTICE OF VARIOUS APPLICATIONS FOR PERMITS BE POSTED - APPROVED

WHEREAS, by Chapter 1499, Statutes of 1982, the State Legislature enacted the Auctioneer and Auction Licensing Act, creating the California Auctioneering Commission, in Chapter 3.7 of the Business and Professions Code; and

WHEREAS, by terms of this Act, local jurisdictions are prohibited from imposing any registration or license requirement other than a business license, on actions and auctioneers; and

WHEREAS, the Auctioneer and Auction Licensing Act meets all of the concerns addressed by the City's current ordinances; and

WHEREAS, the continued presence of these regulatory sections in the Municipal Police Code is a source of confusion to the public auctioneers and City Agencies; and

WHEREAS, within the sections requiring amendment there are additional changes required to bring permit and license fee requirements into conformance with changes made in other Municipal Code sections and to delete from the posting requirements of Part III, Section 22, permits no longer issued; therefore be it

RESOLVED: that The Police Commission hereby recommends to the Board of Supervisors that the sections of the Municipal Police Code regulating auctioneers be repealed and that references to those permits and licenses in other sections of that and other City codes be stricken as set forth in the attached proposed ordinance.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 419-85NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
OFFICER JEAN J. POWERS, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Jean J. Powers, Mission Station, as follows:

SPECIFICATION NO. 1

Failure to make a written report of a serious crime is brought to a member's attention while on duty (violation of Rule A-26 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Jean J. Powers, Mission Station, is set for Thursday, April 18, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 420-85NOTIFICATION AND FILING OF CHARGES AGAINST PATROL
SPECIAL OFFICER KUNG MING CHIU

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Patrol Special Officer Kung Ming Chiu as follows:

SPECIFICATION NO. 1

Failure to obey a lawful order from a superior officer (violation of Section 2.45 of the Rules and Procedures for Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures for Patrol Special Officers and Procedures for Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department).

by George Eimil, Acting Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Kung Ming Chiu is set for Thursday, April 18, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 421-85NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER RICHARD K. MONTERO, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Richard K. Montero, Mission Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to have the effect of compromising the effective investigation and prosecution of a criminal offense (violation of Rule A-19 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-19 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer Richard K. Montero, Mission Station, is set for Thursday, April 18, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 422-85NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DAVID OBERHOFFER, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer David Oberhoffer, Mission Station as follows:

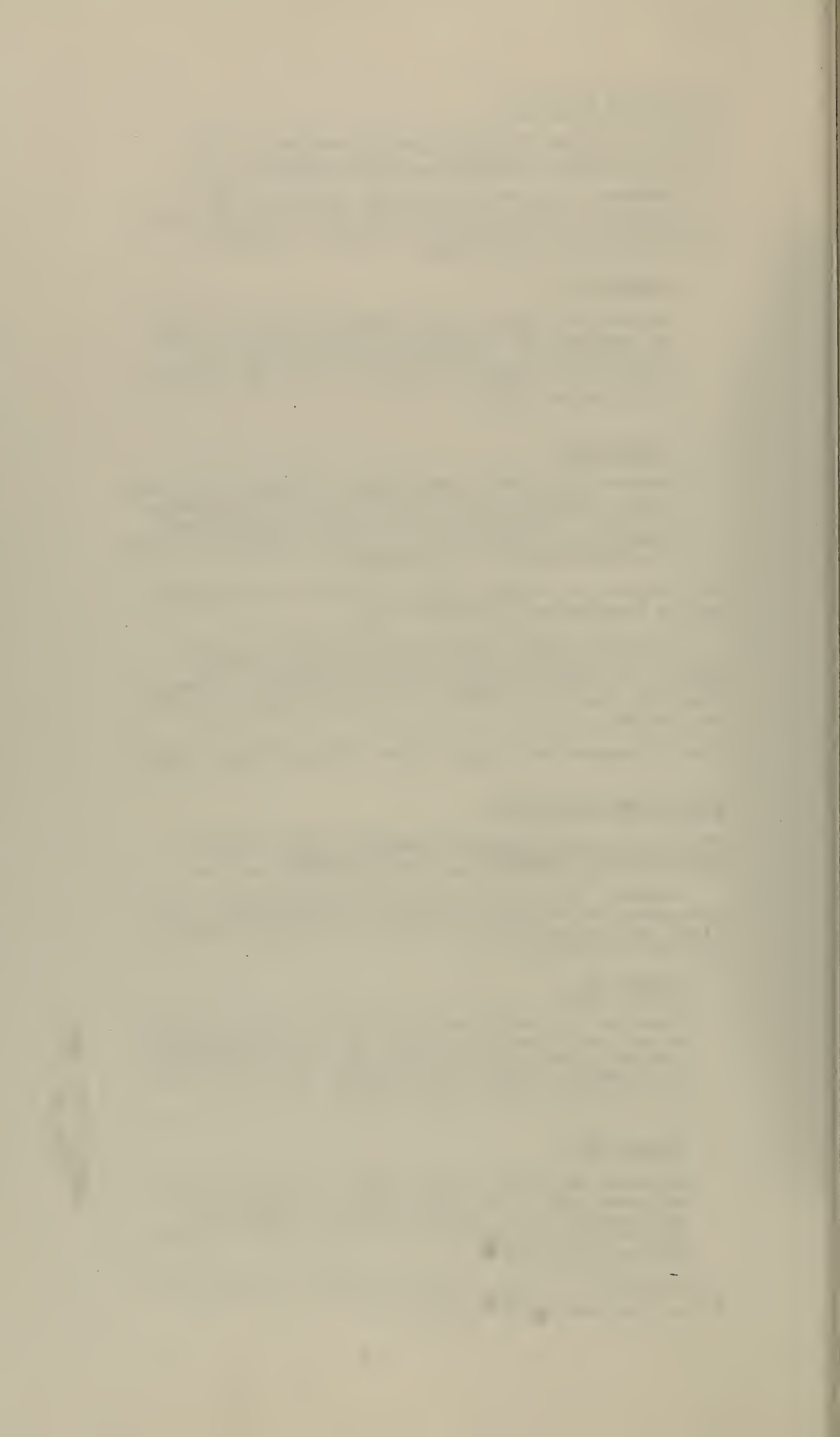
CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

CHARGE NO. 2

Engaging in conduct which tends to have the effect of compromising the effective investigation and prosecution of a criminal offense (violation of Rule B-10 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police, San Francisco Police Department; therefore be it



RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Officer David Oberhoffer, Mission Station, is set for Thursday, April 18, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 423-85

HEARING OF POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION

WHEREAS, the date to be set for this disciplinary hearing of Police Officer Denis P. Joyce, Northern Station, was called it having been set for this date; and

WHEREAS, it was requested by Inspector Paul C. Chignell, representing the San Francisco Police Officers' Association, that the date for the hearing before the Police Commission be set for April 18, 1985; therefore be it

RESOLVED, that the hearing on charges filed against Officer Denis P. Joyce, Northern Station, is set for Thursday, April 18, 1985, at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 470-85

INCREASE IN AMOUNT OF FINANCIAL COMPENSATION ATTACHED TO THE VARIOUS MERITORIOUS AWARDS - APPROVED EFFECTIVE APRIL 12, 1985

WHEREAS, on recommendation of the Chief of Police and in accordance with Section 8.405(a)(4) of the City and County of San Francisco, The Police Commission may reward any member of the Department for heroic or meritorious conduct; and

WHEREAS, the sum or amount of said reward is discretionary with The Commission but shall not exceed one month's salary in any one instance, and

WHEREAS, for the last 15 years The Police Commission, at its discretion, has set figures for gold, silver and bronze medals in the amount of \$200, \$100 and \$50, with meritorious conduct certificate being \$50 also, and

WHEREAS, The Police Commission, in order to raise the level of each award, keeping in mind the discretionary limit, has therefore set the amounts as follows:

Gold Medal of Valor	\$500
Silver Medal of Valor	\$300
Bronze Medal of Valor and Meritorious Conduct Certificate	\$150

therefore be it

RESOLVED, that the above figures as stated for the various meritorious conduct awards shall be and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

TRANSFER OF PATROL SPECIAL BEATS NUMBERS 31 AND 47 TO MR. JOHN CANDIDO. TRANSFER OF PATROL SPECIAL BEAT NUMBER 67 TO MR. SERGE LOUKIANOFF.

Chief Cornelius P. Murphy said that more time was needed for two of the Commissioners to review this proposed sale and he would recommend that the matter be continued for one week.

HEARING OF RECRUIT POLICE OFFICER RICHARD WOO, POLICE ACADEMY

RESOLUTION NO. 424-85

WHEREAS, the hearing of the disciplinary charges filed against Police Officer Richard Woo, Police Academy, was called it having been set for this date; and

WHEREAS, the matter had been continued to this date pending recommendation of the Chief of Police as to whether Officer Richard Woo should be sent to Phase III Training, or whether his hearing should be continued as scheduled. The Chief recommended that the hearing for Recruit Officer Richard Woo should continue as scheduled; therefore be it

RESOLVED, that the hearing on charges filed against Recruit Officer Richard Woo, Police Academy, is set for Thursday, April 25, 1985 at 1800 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF OFFICER MICHAEL D. McCARTHY, SUPPORT SERVICES BUREAU/COMMUNICATIONS DIVISION

RESOLUTION NO. 425-85

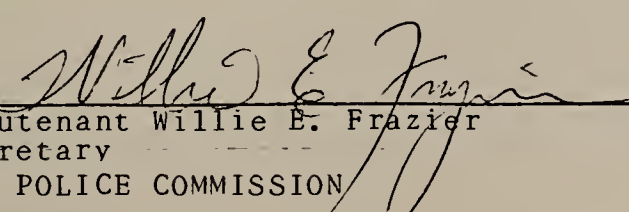
WHEREAS, the hearing on disciplinary charges filed against Officer Michael D. McCarthy, Support Services Bureau/Communications Division, was called it having been set for this date; and

WHEREAS, Chief of Police Cornelius P. Murphy recommended that Officer Michael McCarthy's hearing be continued for two weeks so that the Department may provide the Police Commission with a status report of his progress in Phase III training, and recommended that his hearing be continued for two weeks; therefore be it

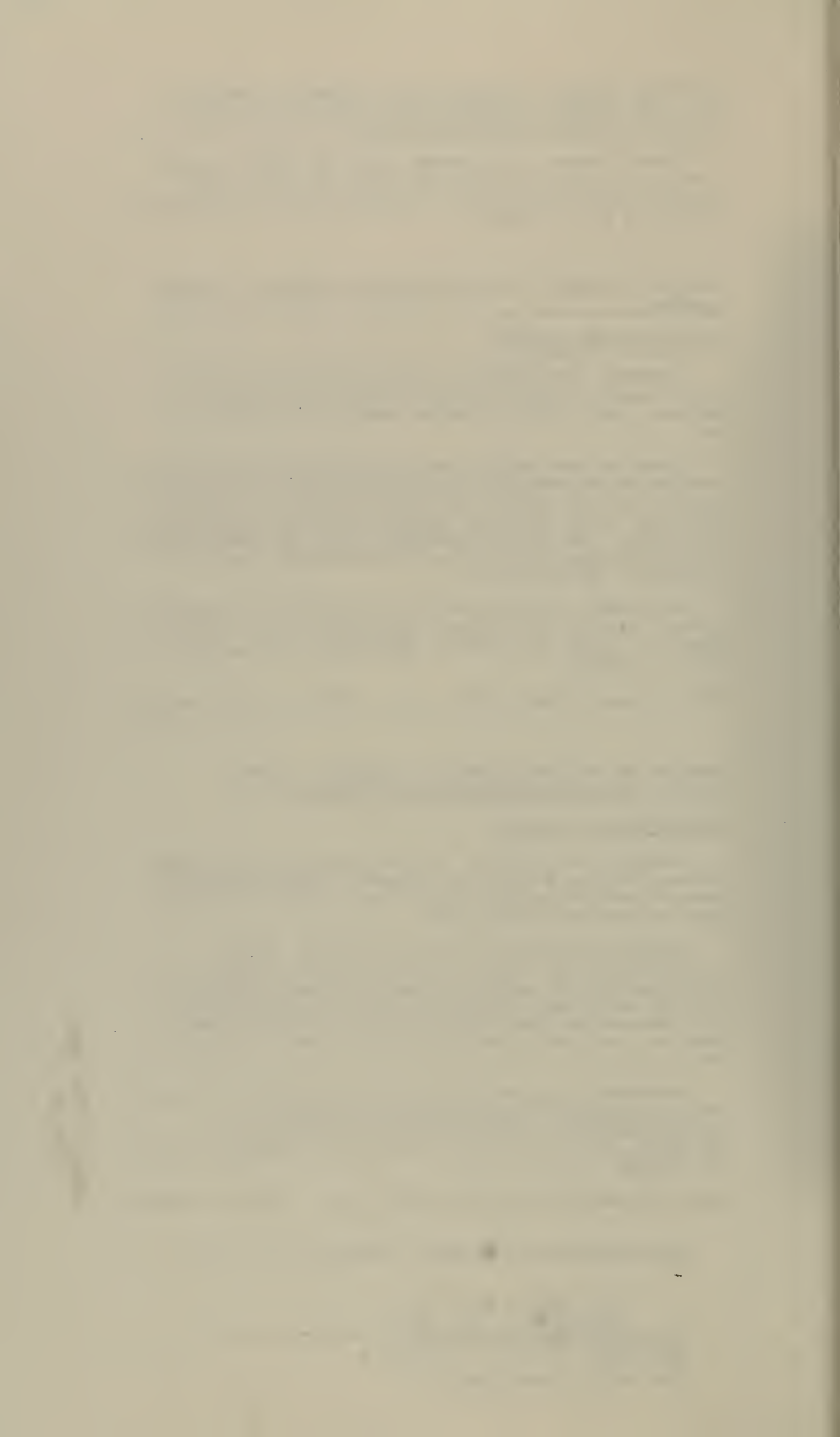
RESOLVED, that the hearing on charges filed against Officer Michael D. McCarthy, Support Services Bureau/Communications Division, is continued to Thursday, April 25, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

THE MEETING WAS THEREFORE ADJOURNED AT 8:03 P.M.



 Lieutenant Willie E. Frazier
 Secretary
 THE POLICE COMMISSION



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APRIL 18, 1985

REGULAR MEETING

The Police Commission of the City and Count of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, April 18, 1985 at 1730 hours in a Regular Session.

PRESENT: Commissioner Daly, Toler, Hsieh, Nelder, Sanchez

DOCUMENTS DEPT.

FEB 10 1986

Commissioner Sanchez presiding.

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APPROVAL OF MINUTES OF THE MEETING OF MARCH 14, 1985

Approval of minutes of the meeting of March 14, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco.

RESOLUTION NO. 488-85

KUNG S. PONG (GARY AND ANNIE PON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kung S. Pong (Gary and Annie Pon) in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 27, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

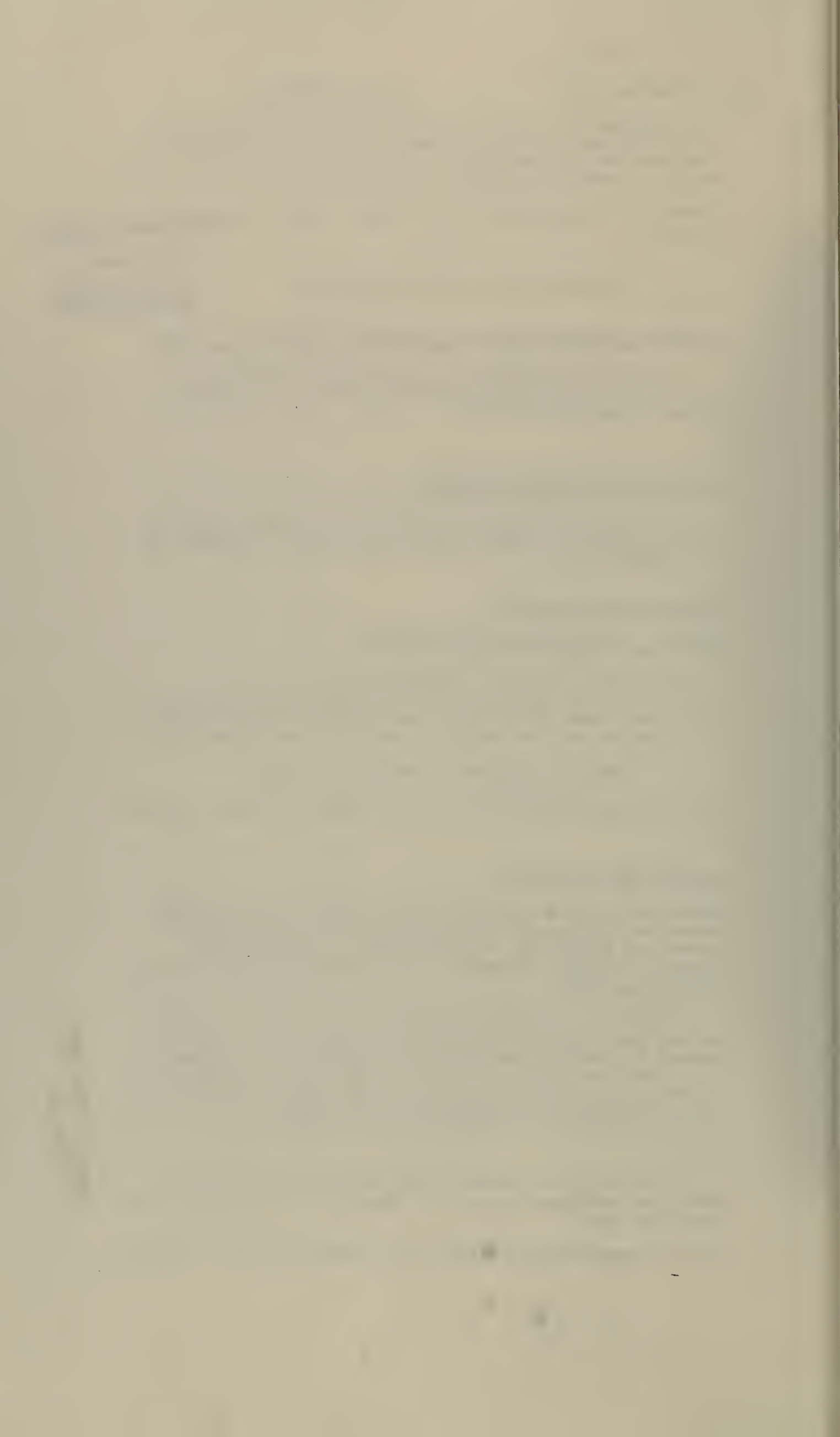
RESOLUTION NO. 489-85

RECOMMENDATION OF THE CHIEF THAT DEPUTY CHIEF RICHARD TRUEB AND LIEUTENANT EDMUND PECINOVSKY, ADMINISTRATION BUREAU BE AUTHORIZED TO ATTEND THE C.P.O.A.'s 65th ANNUAL TRAINING CONFERENCE IN SAN FRANCISCO FROM MAY 15 TO MAY 18, 1985

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief Richard Trueb and Lieutenant Edmund Pecinovsky, Administration Bureau, be authorized to attend the C.P.O.A.'s 65th Annual Training Conference conducted by the California Peace Officers' Association in San Francisco, California from May 15 to May 18, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$105.00 each for registration will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



POLICE COMMISSION REPORT

Commissioner David Sanchez said he would just like to state that the 160th Recruit Academy Class graduated the other evening and at that ceremony Judge McKay gave a very inspiring talk to the Officers and their families. He said the overall quality of the Officers both in reference to their academic standards and other activities were commendable. He said it was a well run event and he would like to compliment, in particular Captain Michael Brush who was one of the fine organizers along with Staff of the Academy Training Program.

Commissioner Thomas Hsieh said he had two items to report and one was that the " My Favorite Cop " is scheduled to be held May 22, at Pier 39 and one member of the Commission will again be asked to serve as a judge with the selection committee. He said the other item, an assignment by Commissioner Sanchez to Commissioner Hsieh and Commissioner Daly as overseers of the activities of the Office Of Citizens Complaints (OCC), met with Director Schober on two occasions to review the status of the OCC. He said he felt sure that some of the things discussed will be included in Mr. Schober's report tonight.

Commissioner Sanchez said that there was one other thing he wanted to say and that is a request to the Chief and Lieutenant Frazier that the matter for secondary employment in the Department be placed on calendar for next week.

CHIEF'S REPORT TO THE POLICE COMMISSION

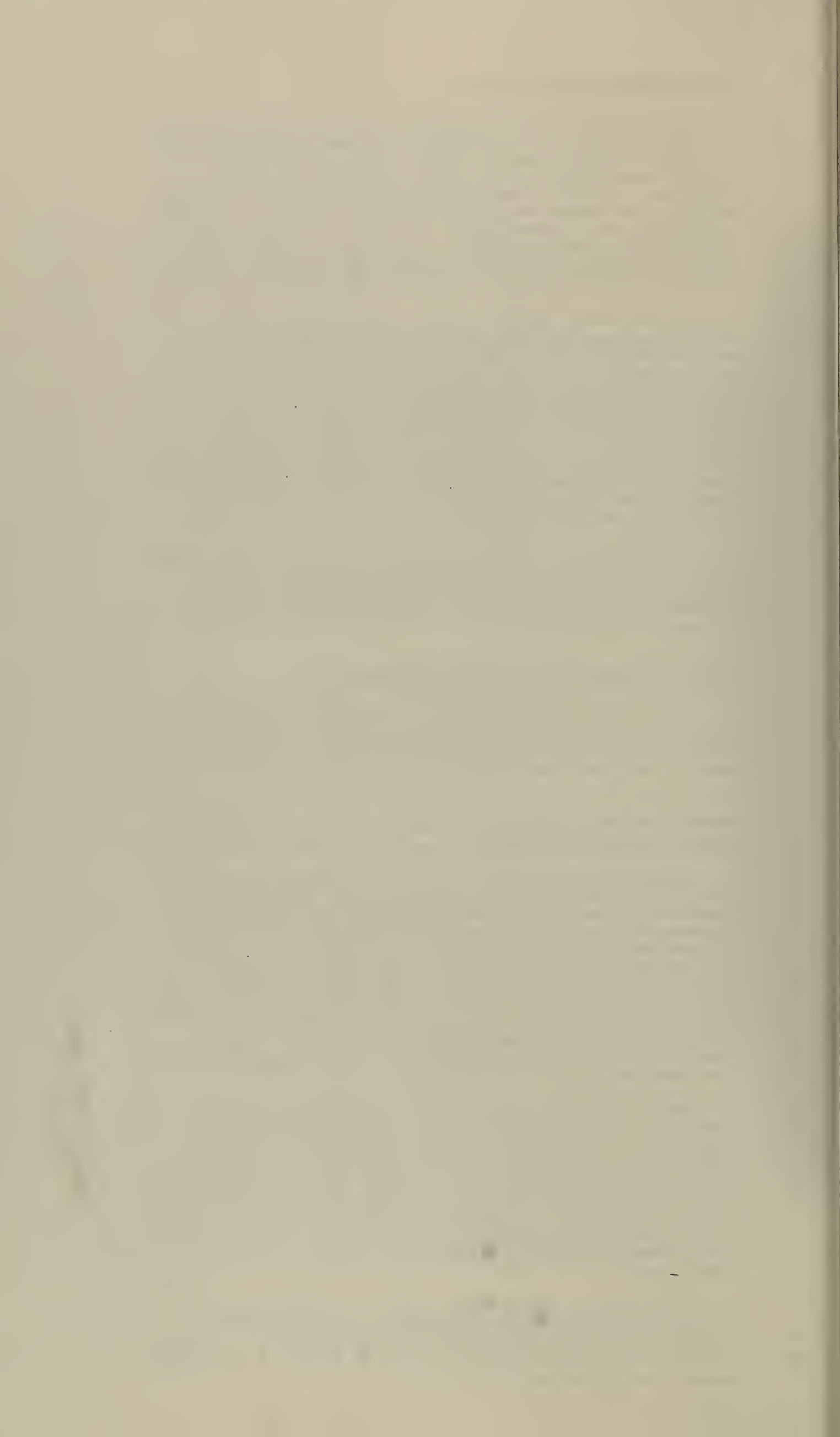
Deputy Chief George Eimil sitting in for Chief Murphy said the Chief has been off with a bad back for the last four days and will return to work tomorrow. He said other than that he had no further matters to report.

STATUS REPORT ON THE SAN FRANCISCO POLICE DEPARTMENT'S FIELD TRAINING PROGRAM

Commissioner Sanchez interrupted Captain Brush as the Captain approached to speak on the subject and said that The Commission at the last meeting approved a recommendation by the Department pertaining to the allocation of funds to purchase a permanent facility for the Academy and Training Division such as Diamond Heights, etc., and the request was amended because the only report available to The Commission at that time was done in 1977. He said it is his understanding that The Captain may have a report that is current for The Commission to receive and peruse as it is important for The Commission to be kept abreast of that matter.

Captain Brush said that the Department has a meeting tomorrow with the City Architect and the Soils Engineers. He said the report he now has says that there will be settlement on the property over the next six to eight years occurring in one third of the two story building and the rest of the site will be stable with no chance for it to slide down the Hill. He said he will provide a synopsis of the result of the meeting and a copy of the soil report and submit it to The Commission.

Commissioner Hsieh then asked for an update as to Psychological Screening Test results just recently instituted for San Francisco Police Department recruits. A motion was made to this effect to have the report available April 25, 1985.



Captain Brush then addressed the subject of the Field Training Office Program (FTO) and their newly created certification board of review. He said they will now send all of the FTO Trainers through 24 hours of training starting next month to standardize the training. He said this way there will not be a conflict as to what is learned in the Academy as opposed to some saying this is what I learned 10 years ago. He said the training will be POST approved. He said they are also developing a plan to evaluate the FTO Trainers so that toward the end of the year they will be able to get those officers who would be considered to be the cream of the crop as trainers. He said the final thing they are planning has to do with the Recruit Officers who are timid or totally un-aggressive. He said they plan to send them to City College to attend Public Speaking classes to help them gain more confidence in communicating with the public.

Commissioner Nelder said he felt that there are three things the Captain should attempt to accomplish to improve the FTO Program and they are (1) A permanent cadre of Instructors, (2) raising the pay and title of instructors and (3) having remediation in some way that is acceptable to the Captain, the Chief and Staff.

Commissioner Sanchez then suggested to the Captain that he should investigate some other resources as far as Public Speaking for the Recruit Officers which are not just at City College. He said San Francisco State also has an excellent program in reference to creative arts in communications, as does University Of California Extension or San Jose State and that Captain Brush could look at some resources in those areas and perhaps do some work with the FTO Trainers along those same lines so that they may be aware and identify and make references as to the needs of certain recruits for these type programs.

PROGRESS REPORT OF POLICE OFFICER MICHAEL MCCARTHY, PHASE III OF TRAINING PROGRAM AT MISSION STATION

RESOLUTION NO. 426-85

HEARING OF POLICE RECRUIT OFFICER MICHAEL D. MCCARTHY, ACADEMY

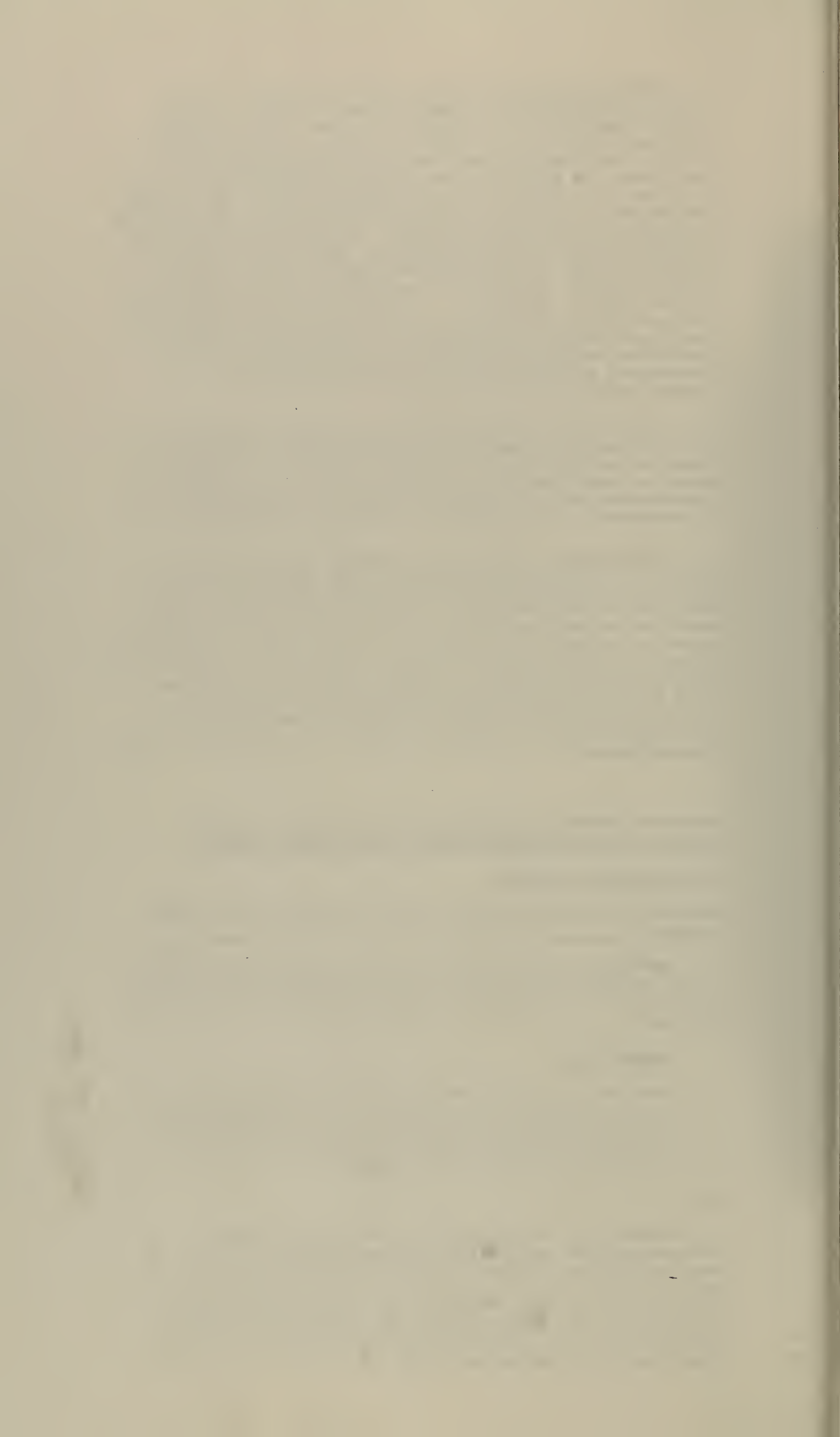
WHEREAS, on December 31, 1984, Cornelius P. Murphy, Chief of Police made and served charges against Police Recruit Officer Michael D. McCarthy, Police Academy, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Recruit Officer Michael D. McCarthy from the San Francisco Police Department; said resignation effective Monday, April 22, 1985, which resignation was accepted and services of Police Recruit Officer have been satisfactory and he does resign in good standing; therefore be it



RESOLVED, that the Charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Recruit Officer Michael McCarthy, be, and the same is hereby continued off calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

STATUS REPORT ON THE OFFICE OF CITIZENS COMPLAINTS BY,
DIRECTOR FRANK SCHOBER

Frank Schober, Director of OCC, said that every City Department is required to establish Management by Objective Goals. He said the OCC has done so for the Fiscal Year 85/86. He said the Objectives for this coming year are citizen contacts of 2000, formal investigations of 260, summary investigations of 2000, investigative hearings 250 and this is more of a statement of possibility, rather than an objective receipt of criminal investigations pending, 45. He said they are now in the process of changing their definitions for taking in complaints. He said with this change they feel that they are now doing better and will continue to improve and this may decrease rather than increase the number of complaints that come in.

Commissioner Hsieh said he felt the citizen contacts of 2000 as projected by Mr. Schober are too low. He said mathematically that works out to only five a day. He said he felt Mr. Schober should work to develop some kind of satellite officers in different neighborhoods. He continued by saying many times the complainant does not want to travel across town to the OCC's central location. He said this satellite creation might increase OCC's contacts 10 fold which does not necessarily mean all contacts are complaints but some may be compliments also. He then made a motion to authorize the OCC to investigate the possibility of developing field offices in the various neighborhoods and then report back to The Commission as to the feasibility of implementation.

Commissioner Daly seconded and it was unanimously approved.

Mr. Schober then stated that in line with this motion he would like to report that approval has been made by the City Budget Department of plans to move the current OCC Offices out of the Hall of Justice to a new building on Brannan Street. He said they will be sharing the building with the Public Defender and portions of it with the San Francisco City Sheriff's Department.

Commissioner Sanchez said the Commission in conjunction with this proposed re location has been very concerned about the availability of the OCC services and look forward to some specific recommendations regarding a model which will provide 24 hours access plus multi-linguistic abilities, plus visibility in certain sectors of the City on a continual basis. He said this is the intent as discussed before and is now being finalized and are looking forward to significant progress in these areas.

Mr. Schober then said as far as the OCC's Investigative Hearings are concerned hearings are to begin Saturday, April 30, 1985, and to catch up, he said, he would use every available hearing room with qualified hearing officers, day times, evenings and weekends to reduce and eliminate the OCC's current backlog.

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He said the advice he received from the City Attorney regarding OCC Hearing Rules being contested in court as to their legality is to proceed in a manner believing that the judge will rule in OCC's favor. Mr. Schober then asked Deputy Chief Mullen to comment on the new Personal Improvement Program (PIP) which he says will be a tremendous help to the OCC.

Deputy Chief Mullen said the PIP Program was developed by Deputy Chief Eimil and Commander Casey and their Staffs. He said he sergeant will have a personnel folder on each officer assigned to that Sergeant. He said in that folder will be summaries of all activities engaged in by the Officer, i.e., commendations and all positive and negative items the Officer may have been involved with. He said this way when action needs to be taken it will be visible very early and there will be no excuse for not taking it.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. B-3,
"EQUIPMENT"

RESOLUTION NO. 481-85

RESOLVED, that the Police Commission hereby adopts Department General Order B-3, Equipment (Revised).

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

TRANSFER OF PATROL SPECIAL BEATS NO. 31 AND NO. 47 TO
MR. JOHN CANDIDO

RESOLUTION NO. 477-85

PATROL SPECIAL OFFICER JOHN J. CANDIDO - APPROVED

RESOLVED, that Patrol Special Officer John J. Candido, is hereby appointed a Patrol Special Officer for Beat 31 and 47, Northern Police District; said appointment effective April 18, 1985, as per agreement and contract between Officers John Candido and Serge Loukianoff.

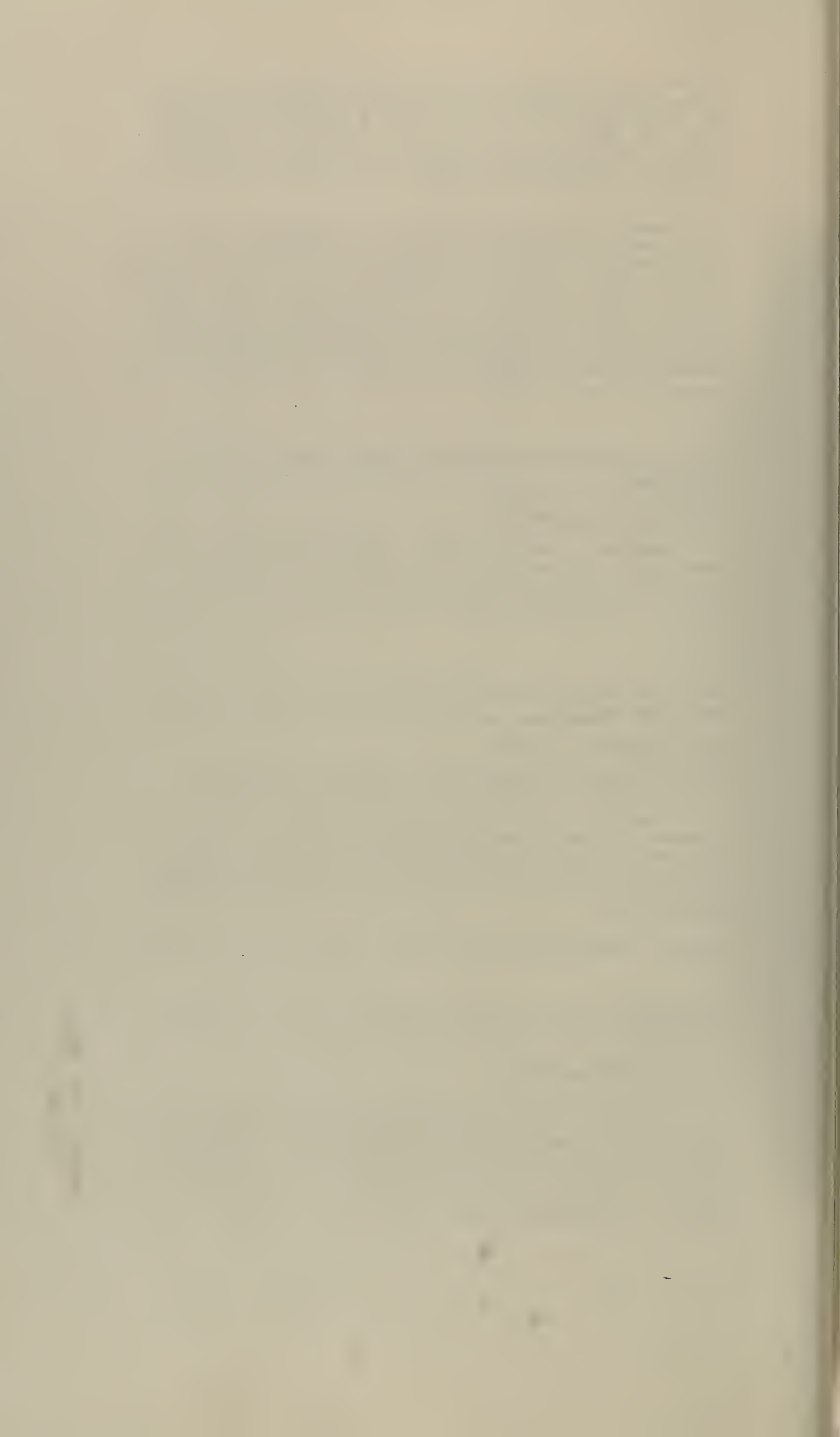
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

TRANSFER OF PATROL SPECIAL BEAT NO. 67 TO MR. SERGE
LOUKIANOFF

RESOLUTION NO. 478-85

RESOLVED, that Patrol Special Officer Serge A. Loukianoff, is hereby appointed a Patrol Special Officer for Beat 67, Northern Police District; said appointment effective April 18, 1985, as per agreement and contract between Officer John Candido and Serge Loukianoff.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



REQUEST OF THE CHIEF OF POLICE FOR PUBLIC HEARING REGARDING THE ADOPTION OF NEW RULES FOR PATROL SPECIAL OFFICERS & DESIGNATION THAT PATROL SPECIAL OFFICERS ARE NOT "PEACE OFFICERS"

Commissioner Sanchez said that he would like to suggest that the Recommendation of the Chief and the Legal Department including past City Attorney Opinions be forwarded and expedited to the City Attorney Mr. George Agnost in order to obtain his additional input pertaining to those City Attorney Opinions which were rendered both in 1966 and again in 1980 given the new laws that have come into effect as of January 1, 1985. He said this would enable The Commission to have that information prior to the Public Hearing on this item.

Commissioner Nelder then said that in addition he would make a motion whereby the Chief is directed in particular the Training Staff under Captain Brush and others to look at the standards of training which they are attempting now to make more uniform and include the post training capability and need for Patrol Specials and Assistants in order to make sure that all are trained under a uniformed process and evaluated in the same manner that covers all as expeditiously as possible.

Commissioner Hsieh seconded and it was unanimously approved.

SETTING OF DATE FOR HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JEAN J. POWERS, MISSION STATION

RESOLUTION NO. 479-85

HEARING OF POLICE OFFICER JEAN J. POWERS, MISSION STATION

WHEREAS, the setting of a date for the hearing on the disciplinary charges filed against Officer Jean J. Powers, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for May 30, 1985; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Jean J. Powers, Mission Station, is set for Thursday, May 30, 1985 at 1730 hours in Room 551, Hall of Justice.

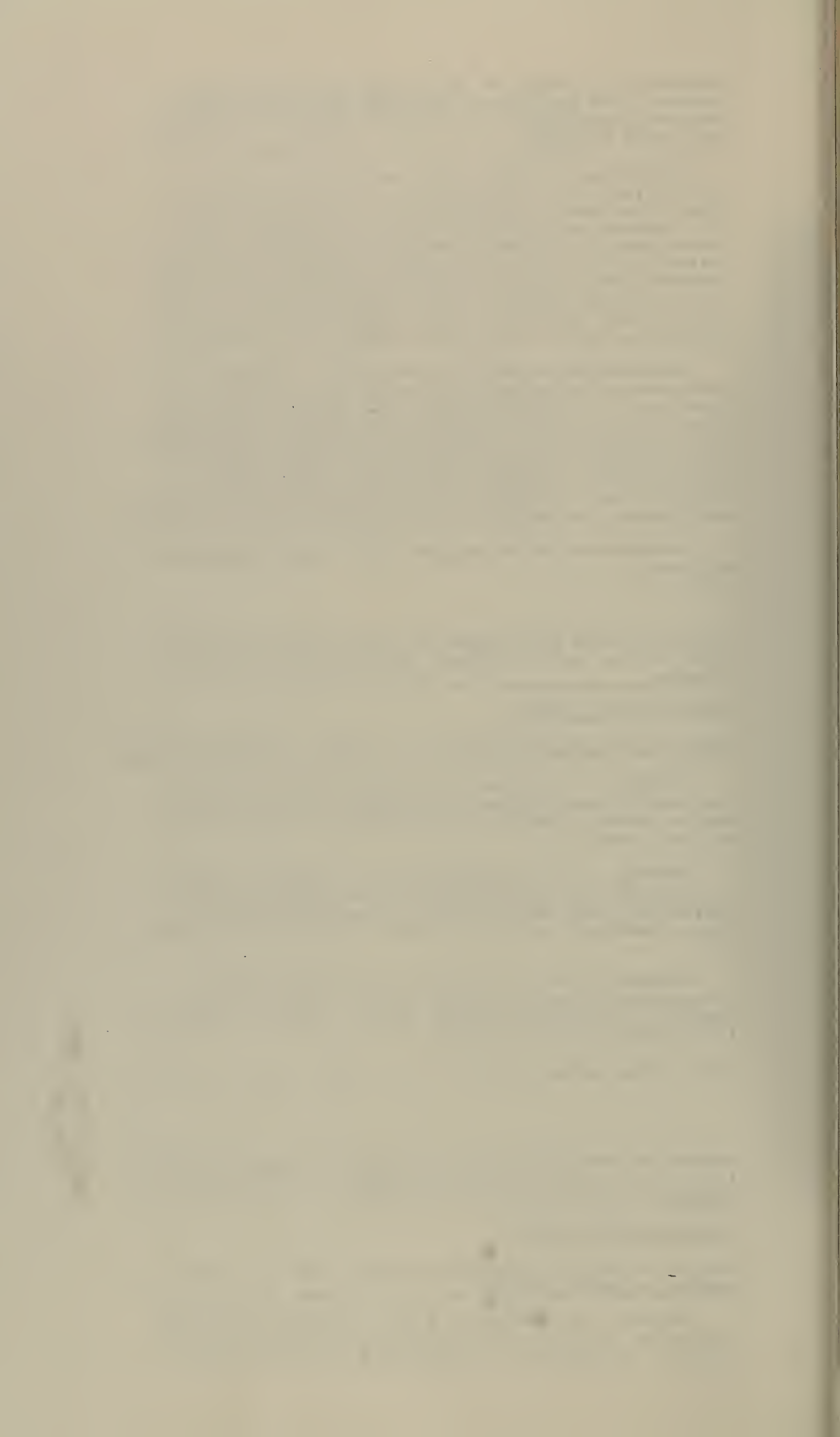
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

SETTING OF DATE FOR HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER RICHARD K. MONTERO, MISSION STATION

RESOLUTION NO. 480-85

SETTING OF DATE FOR HEARING OF POLICE OFFICER RICHARD K. MONTERO, MISSION STATION

WHEREAS, THE SETTING OF A DATE FOR THE DISCIPLINARY HEARING OF Police Officer Richard K. Montero, Mission Station, was called it having been set for this date; and



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WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for June 13, 1985; therefore be it

RESOLVED, that the hearing on charges filed against Officer Richard K. Montero, Mission Station, is set for Thursday, June 13, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

SETTING OF DATE FOR HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DAVID OBERHOFFER, MISSION STATION

RESOLUTION NO. 482-85

SETTING OF DATE FOR HEARING OF POLICE OFFICER DAVID OBERHOFFER, MISSION STATION

WHEREAS, the setting of a date for the disciplinary hearing of Police Officer David Oberhoffer, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for June 13, 1985; therefore be it

RESOLVED, that the hearing on charges filed against Officer David Oberhoffer, Mission Station, is set for Thursday, June 13, 1985 at 1730 hours in Room 551, Hall of Justice.

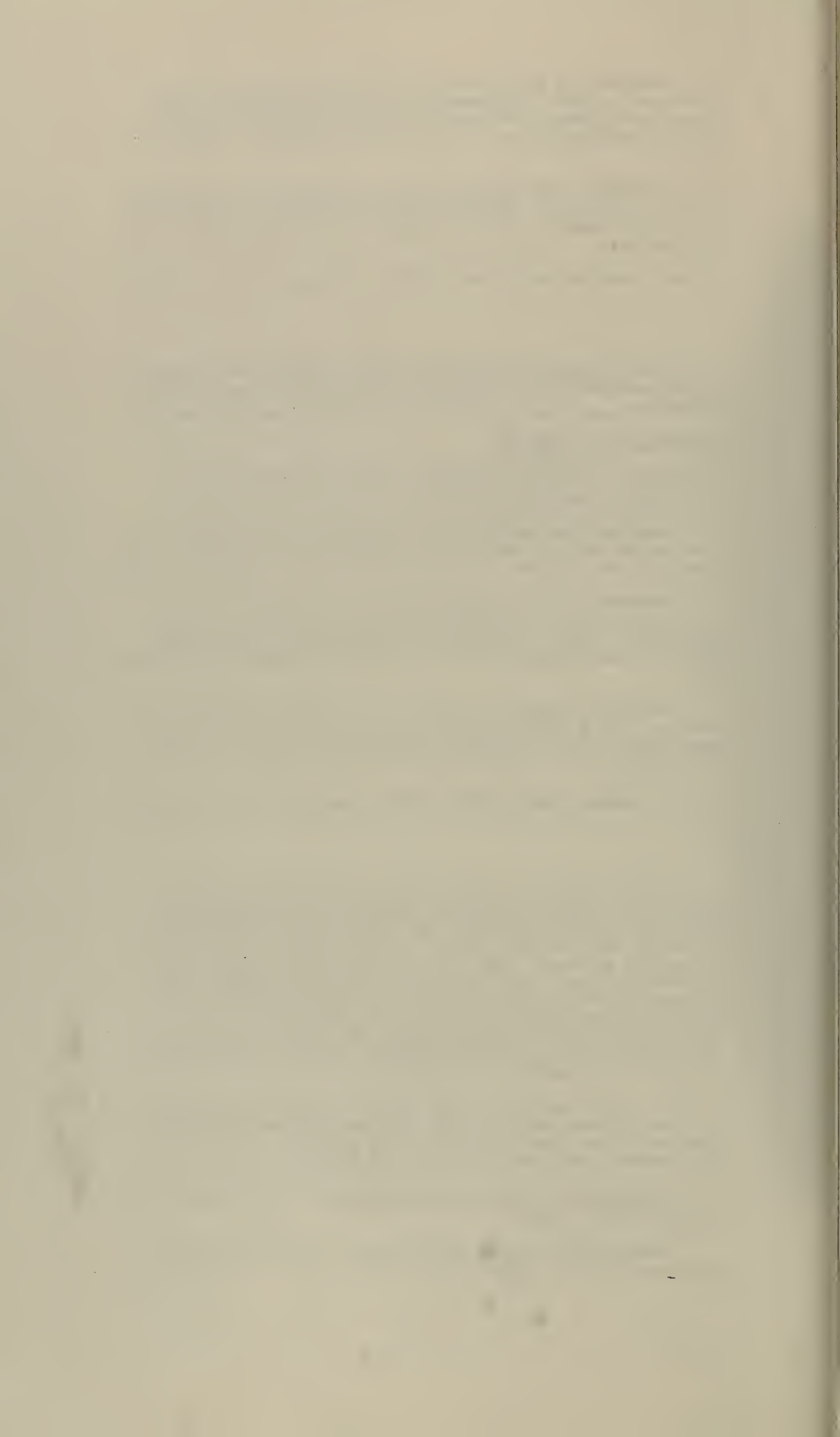
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

At this time Mr. Jerry Akins, Council for the San Francisco Police Department Legal Office advised The Commission that last week The Commission indicated that it would set the Woo matter for next week, the 25th of April for Hearing. He said the Weatherman matter is also on for next week for hearing and The Commission indicated that it would continue that matter from that time. He continued by saying that Mr. Whitmore the Attorney for Officer Weatherman was present but has since departed so he would suggest that the Weatherman matter be continued to June 27th.

Mr. John Prentice, Attorney for the San Francisco Police Officers Association, stated that Mr. Whitmore had asked him, before he left, to stand in for him on this matter and that June 27th is fine.

Commissioner Toler then moved that it be continued to June 27th, 1985.

Commissioner Daly seconded and it was unanimously approved for that date.



SETTING OF DATE FOR HEARING ON THE DISCIPLINARY CHARGES
FILED AGAINST PATROL SPECIAL OFFICER KUNG MING CHIU,
BEAT NO. 7

RESOLUTION NO. 483-85

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER
KUNG MING CHIU

WHEREAS, the setting of a date for the disciplinary hearing of Patrol Special Officer Kung Ming Chiu was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing before The Police Commission be set for June 20, 1985; therefore be it

RESOLVED, that the hearing on charges filed against Patrol Special Officer Kung Ming Chiu is set for Thursday, June 20, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE
OFFICER DENIS P. JOYCE, NORTHERN STATION

The hearing of Police Officer Denis P. Joyce, Northern Station, was called it having been set for this date. Police Officer Denis P. Joyce was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to comply with Department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Denis P. Joyce appeared in person and was represented by Mr. Paul C. Chignell of the San Francisco Police Officers' Association.

Mr. Michael Gash, Attorney at Law, appeared for the San Francisco Police Department.

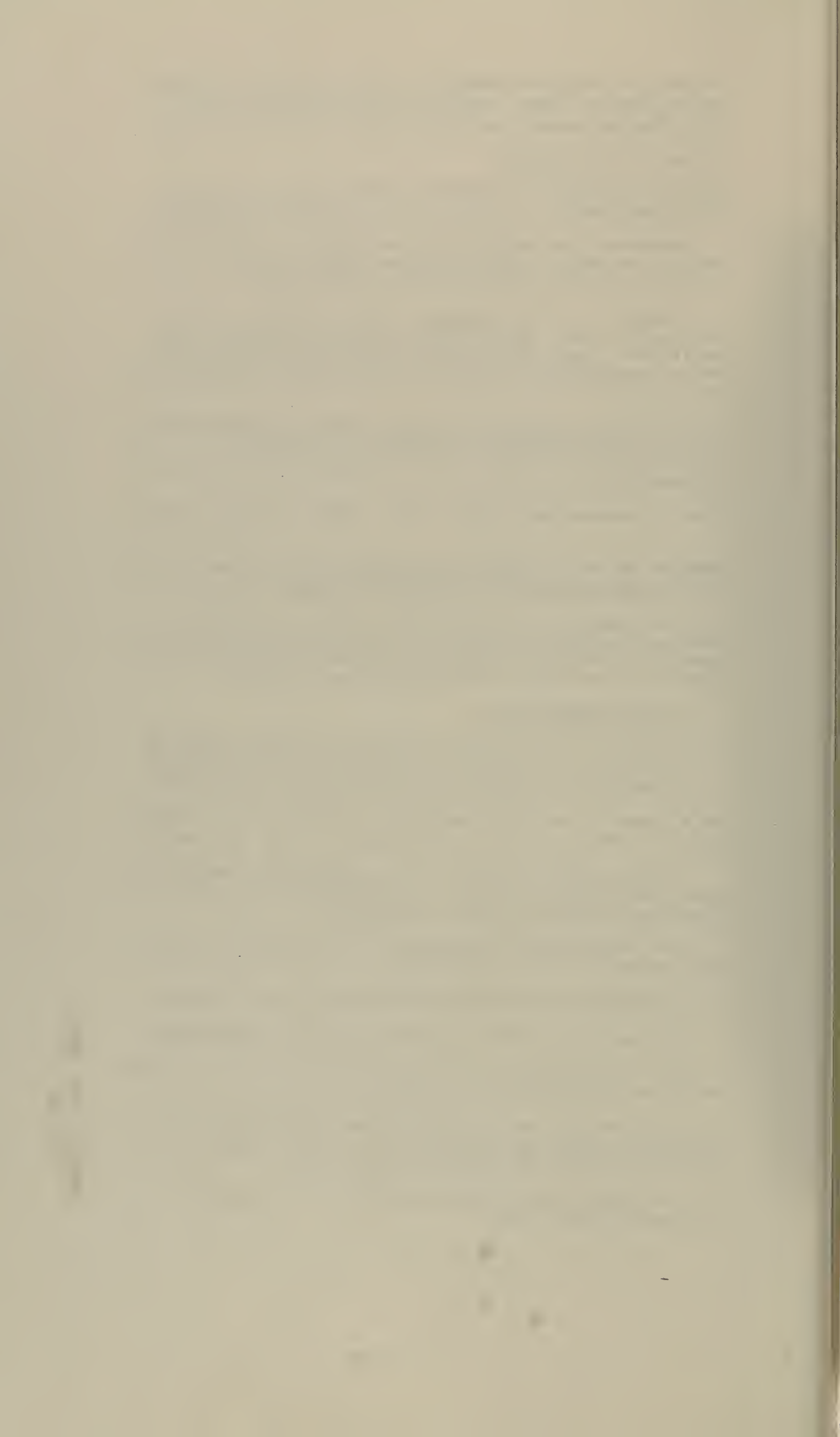
An opening statement was mad by Mr. Paul Chignell.

An opening statement was made by Mr. Michael Gash.

Mr. Paul Chignell entered a plea of guilty on behalf of Police Officer Denis P. Joyce.

A motion was made by Commissioner Alfred Nelder to accept the plea, and was seconded by Commissioner Jo Daly and unanimously approved.

The charges were then read into the record by Attorney Michael Gash.



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WHEREAS, it is the recommendation of the Chief of Police that Officer Denis P. Joyce be given forty five (45) days to lose six pounds, after which if he is not in compliance, he will be suspended without pay for twenty (20) calendar days.

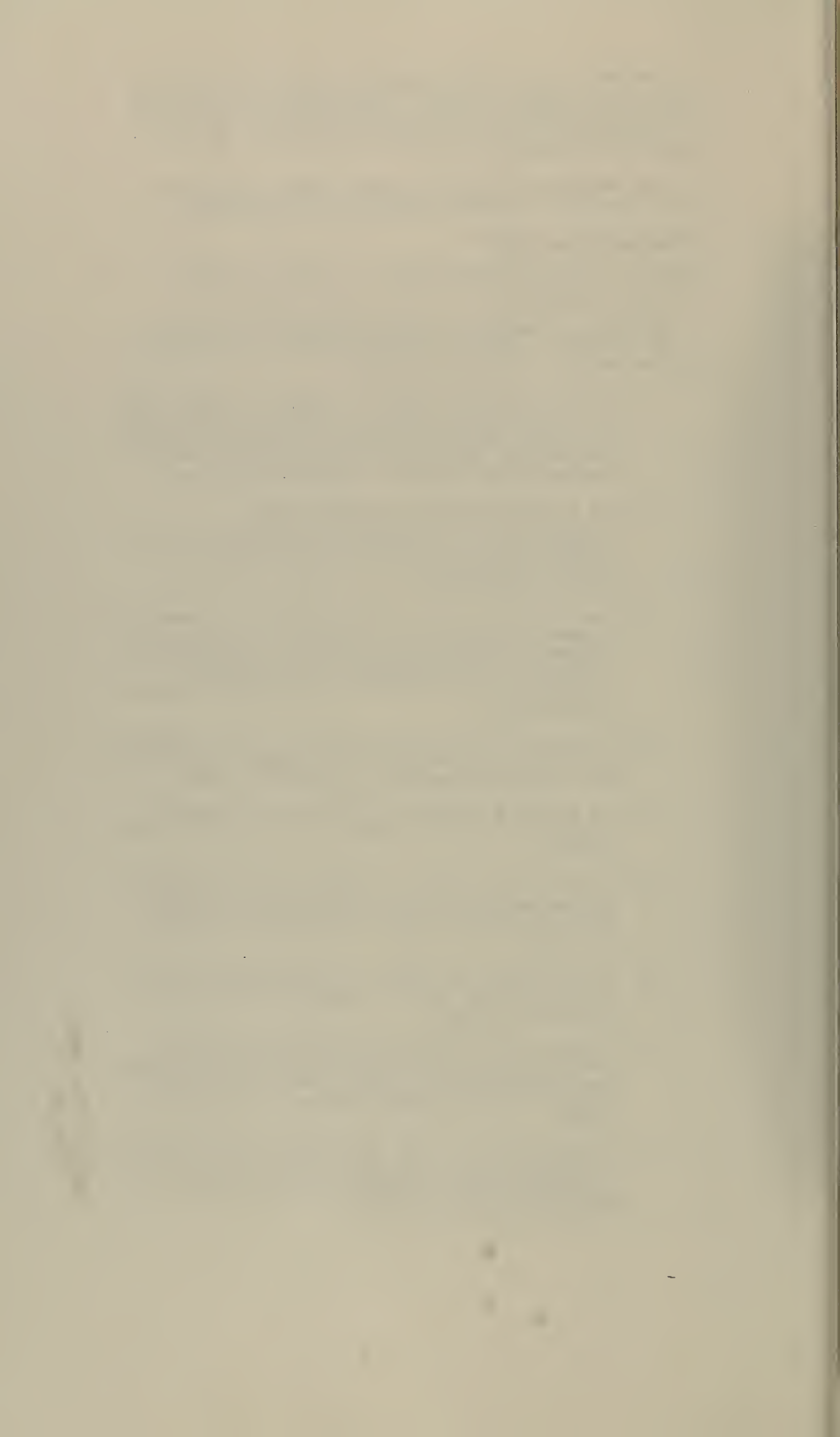
The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 484-85

HEARING OF POLICE OFFICER DENIS P. JOYCE, NORTHERN STATION - DECISION

WHEREAS, on March 14, 1985, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Denis P. Joyce as follows:

- (a) At times herein mentioned, Denis P. Joyce, was and is a Police Officer, appointed after March 17, 1970, employed by the San Francisco Police Department, and currently assigned to the Metropolitan Division - Northern District;
- (b) As a Police Officer, Officer Joyce (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Procedures and Order of the San Francisco Police Department;
- (c) The accused is 5' 10 1/2" tall and by Department standards set forth in General Order B-1 has a maximum allowable weight of 198 to 217.8 lbs., including a 10% allowance for sustaining a reclining blood pressure between 140mm systolic/90 diastolic;
- (d) On July 12, 1984, the accused was admonished by the Commanding Officer of Personnel and Training for failure to comply by August 8, 1984;
- (e) On August 8, 1984, the accused was weighed at 240 pounds which exceeded his maximum allowable weight;
- (f) On August 8, 1984, the accused was reprimanded by the Chief of Police and ordered to comply with department weight standards by September 17, 1984;
- (g) On September 24, 1984, the accused was weighed at 242 pounds, which exceeded his maximum allowable weight;
- (h) On November 8, 1984, a Chief's disciplinary hearing was held for the accused. The accused was ordered by the Chief of Police to comply with Department weight standards by February 6, 1985;
- (i) On February 25, 1985, the accused was weighed at 235 pounds with a reclining blood pressure of 140 systolic/90 diastolic, which exceeded his maximum allowable weight;



(j) By failing to comply with Department weight at standards, the accused violated Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department, which states in pertinent part:

A. Weight Requirements

1. Male Officers

a. Members must stay within the assigned weight standards below:

b.	HEIGHT	MINIMUM WT	MAXIMUM WT
	5'11"	152	198

and

WHEREAS, a hearing on said charges was held before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, April 18, 1985 the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that the said charges made and filed against Police Officer Denis P. Joyce as contained in Specification No. 1, Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of The Police Commission that Police Officer Denis P. Joyce, Northern Station, be given forty five (45) calendar days to lose six pounds, from Friday, April 19, 1985 at 0001 to Sunday, June 2, 1985, 2400 hours, after which if he is not in compliance, he will be suspended without pay for twenty (20) calendar days.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF POLICE OFFICER PETER GAMINO, CENTRAL STATION

The hearing of Officer Peter Gamino, Central Station, was called it having been set for this date. Officer Peter Gamino was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Peter Gamino appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, Attorney at Law, for the Prosecution.

An opening statement was made by Mr. John Prentice, Attorney for the Defense.

The charges against Officer Peter Gamino were then read into the record.

The following named witnesses appeared for the Prosecution, were sworn and testified:-

Mr. Lawrence Losing , Attorney at Law
Ms. Ann Elston
Mr. Robert B. Bowen

The following named witnesses appeared for the Defense, were sworn and testified:

Mr. Hanson Gee, BART
Officer Joseph Weatherman, Co. A
Officer Peter Gamino, Co. A

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 Five color photographs depicting certain bodily areas of alleged injuries sustained by Mr. Bowen.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 is sustained.

Based on those findings, The Commission requested a recommendation from the Chief of Police, Cornelius P. Murphy. It is the recommendation of the Chief of Police that Officer Peter Gamino be suspended for 30 calendar days.

The Commission again took the matter under submission and the following resolution was adopted.

RESOLUTION NO. 485-85

DECISION - HEARING OF OFFICER PETER GAMINO, CENTRAL STATION

WHEREAS, on February 5, 1985, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Peter Gamino, Central Station, as follows:

CHARGE NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(a) At all times herein mentioned, Peter Gamino, Star Number 694 (hereinafter referred to as "the accused"), was and is a Police Officer employed by the San Francisco Police Department and was assigned to Central Police Station;

- (b) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department and the laws of the State of California;
- (c) On May 13, 1984, at or about 1810 hours, the accused while on duty, in uniform, in a marked patrol car, observed two individuals engaged in what appeared to him to be a fight on Pacific Avenue and Columbus Avenue. The accused intervened and abated the situation;
- (d) The accused dismissed the two back-up Officers who had responded to the scene and was returning to his patrol car when a third person who was with the two persons involved in the original incident made a remark to the accused. The accused then approached this third person, struck him with his baton and then applied the carteroid restraint hold to this third person without lawful justification or legal excuse;
- (e) By the conduct of the accused in striking the the citizen with his club without legal justification and then applying the carteroid restraint hold to the citizen without lawful justification or legal excuse while on duty and in the employ of the San Francisco Police Department, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before The Police Commission pursuant to Section 8.343 of The Charter of The City and County of San Francisco on Thursday, April 18, 1985, and the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that said allegations contained in Charge No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission accepts the recommendation of The Chief of Police that Officer Peter Gamino be suspended for 30 calendar days commencing Thursday, April 25, 1985 at 0001 hours and ending Friday, May 24, 1985 at 2400 hours. The Commission also orders Officer Peter Gamino be retrained at The Police Academy for 10 days at the convenience of his Commanding Officer.

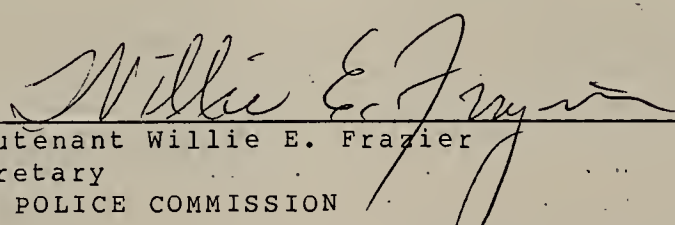
Recess taken during the hearing of Officer Peter Gamino:

- 9:03 p.m. to 9:05 p.m.
- 9:36 p.m. to 9:58 p.m.
- 11:55 p.m. to 12:08 a.m.
- 12:11 p.m. to 12:18 a.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

THE MEETING WAS THEREFORE ADJOURNED AT 12:20 A.M.



 Lieutenant Willie E. Frazier
 Secretary
 THE POLICE COMMISSION

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245
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25/85

3 Minutes

APRIL 25, 1985

REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, April 25, 1985 at 1730 hours in a Regular Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, DOCUMENTS DEPT
Sanchez

Commissioner Sanchez presiding.

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APPROVAL OF MINUTES OF THE MEETING OF MARCH 14, 1985

Approval of minutes of the meeting of March 21, 1985. The Commissioners having received, amended and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against the City and County of San Francisco.

RESOLUTION NO. 491-85

IRA HERSHKOWITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ira Hershkowitz in the sum of \$1,733.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 492-85

LE CHO QUAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Le Cho Quan in the sum of \$1,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 26, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 493-85

STATE FARM INSURANCE (VALENTINO LOPEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Valentino Lopez) in the sum of \$884.14 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Toler

RESOLUTION NO. 494-85ROBIN LINDSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robin Lindsey in the sum of \$353.50 as the result of storage charges, be, and the same is hereby approved.

Date of Incident: January 17, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 495-85RENE C. LA PREVOTTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rene C. La Prevotte in the sum of \$234.08 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 14, 1985

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 496-85DOMINADOR HERRERA, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dominador Herrera, Jr. in the sum of \$87.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 497-85ALAN GREGORY WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Gregory Wong in the sum of \$84.30 as the result of loss of keys be, and the same is hereby approved.

Date of Incident: July 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION 498-85JARROD B. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jarrod B. Williams in the sum of \$76.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 499-85MARIA PRUITT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Pruitt in the sum of \$56.76 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 500-85CHERYN WATKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cheryn Watkins in the sum of \$53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1984

AYES: Commmissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 513-85

RECOMMENDATION OF THE CHIEF THAT SERGEANT JAMES LONG AND OFFICER ANNE TAGOLILELAGI, NARCOTICS SECTION, BE AUTHORIZED TO ATTEND THE NARCOTICS INVESTIGATION COURSE IN SACRAMENTO, CA FROM MAY 5 TO MAY 17, 1985

RESOLVED, that the recommendation of the Chief of Police that Sergeant James Long and Officer Anne Tagolilelagi, Narcotics Section, be authorized to attend the Narcotics Investigation Course, conducted by the California Department of Justice in Sacramento, California from May 5 to May 17, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$731.65 each for subsistence and travel will be reimbursed by P.O.S.T. P.O.S.T. will also reimburse the Department for 60% of these members salary while they are attending this course.

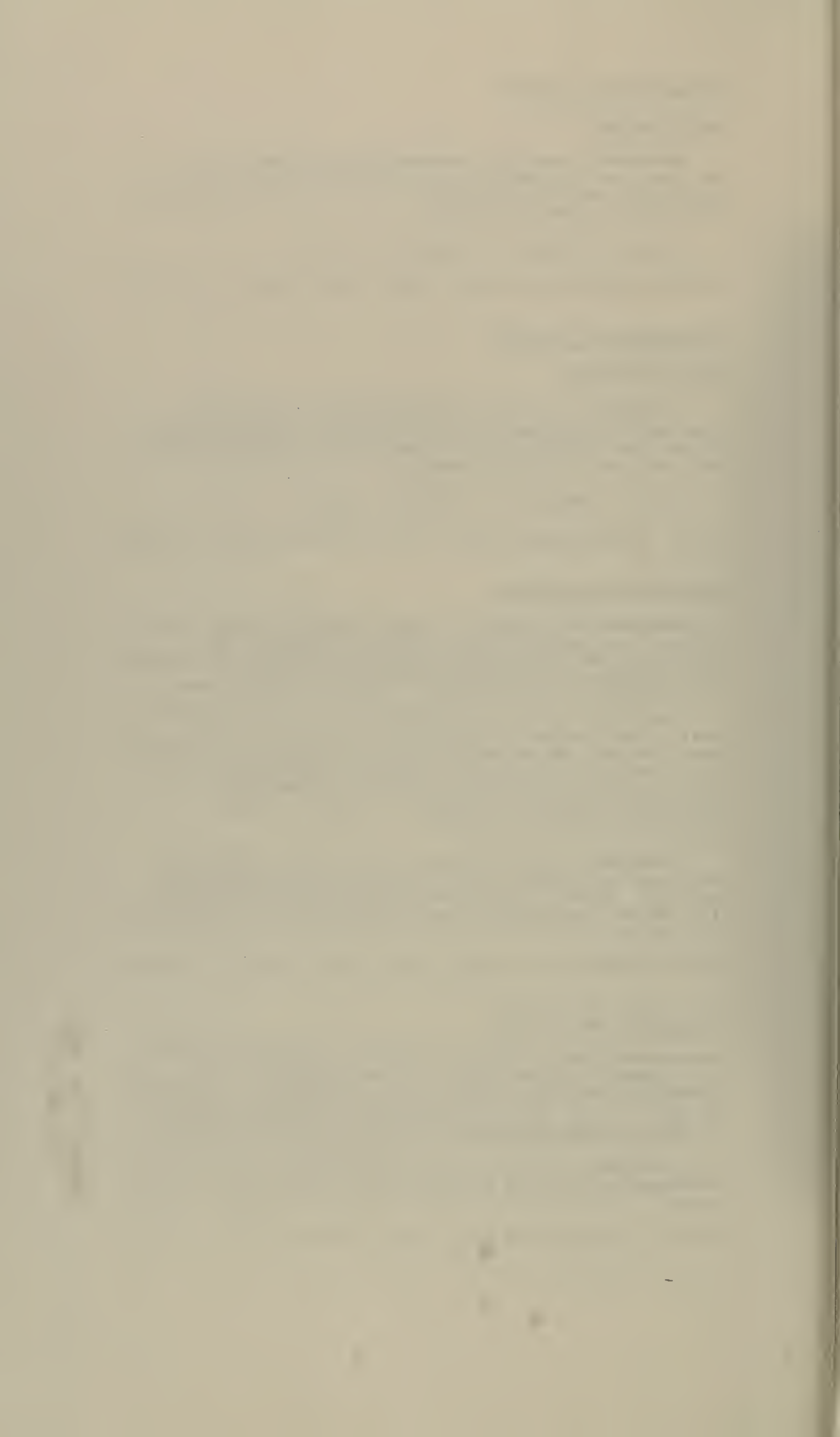
AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 514-85

RECOMMENDATION OF THE CHIEF THAT LT. ALEXANDER STEVENS AND ATTORNEY REA PUCCINELLI, LEGAL DIVISION, BE AUTHORIZED TO ATTEND THE C.P.O.A. CONFERENCE, CONDUCTED BY THE C.P.O.A. IN SAN FRANCISCO, CALIFORNIA FROM MAY 15 TO MAY 18, 1985 IS HEREBY APPROVED; AND BE IT FURTHER

RESOLVED, that expenses in the amount of \$210.00 for registration will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez



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RESOLUTION NO. 515-85

RECOMMENDATION OF THE CHIEF THAT INSPECTORS DAVE GILLIAM AND ROBERT RAMES, VEHICLE HIT & RUN SECTION BE AUTHORIZED TO ATTEND THE SKIDMARK ANALYSIS IN ACCIDENT INVESTIGATION COURSE IN EUREKA, CA FROM MAY 20 TO MAY 24, 1985

RESOLVED, that the recommendation of the Chief of Police that Inspectors Dave Gilliam and Robert Rames, Vehicle Hit & Run Section, be authorized to attend the Skidmark Analysis is Accident Investigation Course, conducted by Northern California Criminal Justice Training and Education Center in Eureka, California from May 20 to May 24, 1985, is hereby approved; and be it further

RESOLVED, that expenses in the amount of \$412.45 each for subsistence and travel are reimbursable by P.O.S.T. Expenses in the amount of \$18.50 each for registration, syllabus and parking will be defrayed by the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 516-85

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of The Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Sergeant William Welch	(National F.B.I. Academy (Quantico, Virginia (1/6/85 - 3/22/85 (\$800.00
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AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 517-85

JOSEPH M. HESSION AND PETER BALESTERERI vs. CITY AND COUNTY OF SAN FRANCISCO, ET AL, SUPERIOR COURT NO. 823-897

WHEREAS, it is the recommendation of the City Attorney for settlement of the claim of Joseph M. Hession and Peter Balestreri on back pay for nine (9) days due them arising out of the suspensions of Joseph M. Hession and Peter Balestreri on May 2, 1984, pending hearings on charges; therefore be it

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph M. Hession and Peter Balestreri for back pay for nine (9) working days is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

The Commission had no report for tonight.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief had no report for the Commission tonight.

REPORT ON PSYCHOLOGICAL TESTING BY DR. MICHAEL ROBERTS

Continued one week for hearing.

STATUS REPORT ON THE SAN FRANCISCO POLICE DEPARTMENT'S PHYSICAL FITNESS PROGRAM

Continued two weeks for hearing.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. I-16 "MENTALLY DISTURBED INDIVIDUALS"

Continued one week for hearing.

PUBLIC HEARING ON DEPARTMENT GENERAL ORDER NO. T-1 "SECONDARY EMPLOYMENT"

Continued for hearing until May 16, 1985.

RESOLUTION NO. 486-85

POLICE OFFICER MICHAEL KENNY, VICE CRIMES DIVISION/NARCOTICS

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael Kenny, Vice Crimes/Narcotics, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey written orders applicable to his assignment (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the date for the hearing on the disciplinary charges filed against Police Officer Michael Kenny, Vice Crimes Division/Narcotics, is set for Thursday, May 2, 1985 at 1830 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 487-85POLICE OFFICER KENNETH H. FOSTER, COMMUNICATIONS DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Kenneth Foster, Communications Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey written orders applicable to his assignment (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the date for the hearing on the disciplinary charges filed against Police Officer Michael Kenneth Foster, Communications Division, is set for Thursday, May 2, 1985 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 490-85HEARING OF POLICE RECRUIT OFFICER RICHARD WOO, POLICE ACADEMY

The hearing of Recruit Officer Richard Woo, Police Academy, was called it having been set for this date. Recruit Officer Richard Woo was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to acquire and maintain a working knowledge of all information required to perform the duties of a Police Officer (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to perform assigned duties promptly and according to Department procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department).

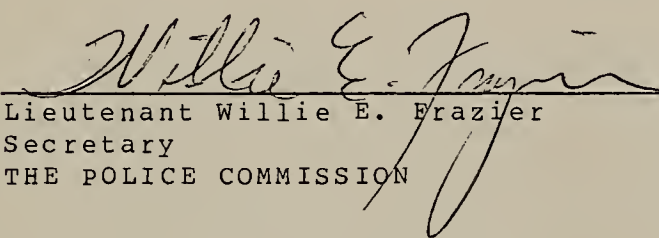
and

WHEREAS, The Police Commission, on motion by Commissioner Thomas Hsieh, seconded by Commissioner Jo Daly and unanimously approved, ordered that the charges against Recruit Officer Richard Woo be withdrawn, and he is to be sent back to the Field Training Officer Program commencing with Phase I; therefore be it

RESOLVED, that charges filed against Recruit Officer Richard Woo are withdrawn and Recruit Officer Woo shall enter the Field Training Officer Program, Phase I, by order of The Police Commission.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

THE MEETING WAS THEREFORE ADJOURNED AT 8:12 P.M.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

